SENATE—*Wednesday, January 30, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD BRYAN, a Senator from the State of Nevada.

PRAYER

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

Let us pray:

Love is patient and kind; love is not jealous or boastful; it is not arrogant or rude. Love does not insist on its own way; it is not irritable or resentful; it does not rejoice at wrong, but rejoices in the right. Love bears all things, believes all things, hopes all things, endures all things.—I Corinthians 13:4–7 RSV.

Eternal God, Father of us all, St. Paul's words on love seem a million miles away as we hear them. Yet we know love is of the very essence of Godliness. Our days are filled with sadness and anxiety, immersed as we are in the cloud of violent, unforgiving war. We pray for all those who suffer, ally and enemy, those in combat, civilians caught in the vortex of the conflagration, the prisoners of war, families here at home, among our allies and our enemies, who lose loved ones. We pray for leaders who bear the awful burden of judgment and decision.

For every person affected by this global tragedy we pray. Help us, Lord, in our anxiety, our weakness, our helplessness, our fear. And dear God, if it be possible, open some window, intervene in some way that an alternative may be found, that violence and suffering may cease.

We ask this in His name who suffered and forgave. 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 30, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

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

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for the transaction of morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11 this morning, it is my intention to proceed to the consideration of S. 238, the agent orange benefits bill. When the Senate considers the bill, as provided for under a previous unanimous-consent agreement, it will be considered under a 1-hour time limitation with no amendments in order.

The Senate will recess today from 12:30 p.m. until 2:15 p.m., in order to accommodate the respective party conferences.

The vote on final passage of the agent orange bill will occur at 2:15 p.m. today.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives H.R. 556, the House companion to S. 238, it be held at the desk; that at 2:15 p.m., S. 238 be laid aside and, without any intervening action or debate, the Senate proceed to the consideration of H.R. 556, and that the bill be deemed read a third time.

I further ask unanimous consent that the vote ordered to occur on final passage of S. 238 be transferred to H.R. 556.

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

AGENT ORANGE ACT OF 1991

Mr. MITCHELL. Mr. President, today the Senate takes up consideration of S. 238, the Agent Orange Act of 1991. I am proud to be an original cosponsor of the legislation that was introduced January 17 by Senator DASCHLE.

Senator DASCHLE's legislation is virtually identical to a bill introduced by the chairman of the House Veterans' Affairs Committee, Representative G.V. "SONNY" MONTGOMERY, H.R. 556, that will be before the Senate today. H.R. 556 was passed yesterday by the House on a vote of 412 to 0.

S. 238 has three main thrusts. First, it would require the following diseases to be presumed to be service connected by reason of service in the Republic of Vietnam: Non-Hodgkin's lymphoma; soft-tissue sarcoma; and chloracne becoming manifest within 1 year of service in the Republic of Vietnam.

Second, it would establish a mechanism for the Secretary of Veterans Affairs to provide service-connected presumptions for other diseases when the Secretary determined, based on sound medical and scientific evidence, that a positive association exists between exposure and the occurrence of the disease in humans.

The Secretary's decision would be based on periodic reports by the National Academy of Sciences and all available scientific research. In order to accomplish that, the Secretary would be required to seek to contract with the National Academy of Sciences—or, if this is not possible, with another appropriate, independent scientific organization—to perform additional research on diseases associated with exposure to herbicides in Vietnam.

Based on those NAS reviews, the Secretary would be required to take a number of actions related to health affects of exposed veterans, unless he determined they would not be feasible or useful.

Finally, in addition to the compensation and research provisions discussed above, S. 238 also reinstates through December 31, 1993, the recently expired authority for priority VA health care for veterans exposed to agent orange or ionizing radiation. It would also expand VA outreach services related to agent orange.

Mr. President, in the last Congress, under the leadership of Senator CRANSTON and bolstered by the energy and advocacy of Senators DASCHLE and KERRY, the Senate twice passed legislation addressing the compensation and research issues associated with veterans' exposure to agent orange or other herbicides.

Unfortunately, the House did not accept either of those two bills.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

At the close of the last Congress, the Senate once again confronted the question of agent orange compensation and research in S. 2100, the Veterans Benefits and Health Care Amendments of 1990.

That bill was reported by the Senate Veterans' Affairs Committee in July, but it was never brought to the Senate floor for consideration because I was unable to obtain an agreement that would have allowed debate and votes on the measure. As a result, progress on resolving the issue of agent orange was stalled again.

Senator CRANSTON's Veterans' Affairs Committee staff worked very hard over the past several months trying to reach accord on the agent orange provisions that have been so difficult to reconcile. The introduction of S. 238 and H.R. 556 is testimony to their effort and good work, as well as that of other Senators, Members of Congress, and interested parties.

Yesterday's House action and today's debate sets the stage for putting this divisive and difficult issue behind us.

It is a welcome day for Vietnam veterans and their families who have pressed the Federal Government for more than a decade, to resolve the many questions related to exposure to agent orange and other herbicides in Vietnam.

Those veterans and their families have had a steadfast ally in Senator ALAN CRANSTON, the chairman of the Senate Veterans' Affairs Committee. He is the author or coauthor of every major agent orange bill considered in the past decade. Taking up the effort with Senator CRANSTON in recent years have been Senator TOM DASCHLE and Senator JOHN KERRY.

I congratulate all Senators. I want to thank Senator DECONCINI and Senator SPECTER who will be the floor managers for this bill for what I anticipate will be their usual fine work.

I urge my colleagues to support the legislation before us today. I hope that Vietnam veterans and their families will take a measure of comfort in its enactment.

Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The Chair recognizes the Senator from New Mexico.

MISSILE PROLIFERATION, ATBM's, AND SDI

Mr. BINGAMAN. Mr. President, the events in the Persian Gulf over the past 2 weeks have graphically brought home the dangers of missile proliferation around the globe.

Lessons are quickly being drawn from our experience in combating Scud and al-Hussein missiles in the Persian Gulf. Some of those lessons learned are on the mark; some unfortunately are very wide of the mark. This morning I want to put forward the framework by which I view the missile proliferation threat.

This is a threat that many of us have been urging for some time now be given a far higher priority in our national security policy. I believe we have neglected this problem in the past because of our overwhelming focus on the Soviet Union and the threats it posed across the spectrum to United States interests. We viewed almost all Third World developments through an East-West prism and we saw conventional arms transfers as part of the global competition with the Soviets. The fall of the Berlin Wall and remarkable changes in the Soviet Union have finally freed us to look more squarely at the missile proliferation threat. The Persian Gulf conflict has put that threat at the very center of the stage.

The essence of a strategy for dealing with this threat is clear. Such a strategy will need to have three mutually reinforcing components: First, multilateral export controls; second, diplomatic efforts aimed at arms control and conflict resolution; and third, improved antitactical missile defenses.

First, it is essential that we have strong multilateral export controls targeted at slowing the spread of missile technologies. The Missile Technology Control Regime is a good start, but it needs to be broadened in membership and made more vigorous in implementation. Last year, Congress passed comprehensive missile technology control legislation as title XVII of the fiscal year 1991 Defense Authorization Act. This legislation, which was drafted by a bipartisan, bicameral group of legislators led by AL GORE, JOHN MCCAIN, HOWARD BERMAN, and myself, was aimed precisely at strengthening the MTCR.

Export control by itself will not prevent proliferation, as high-technology industry becomes increasingly global and as military and civilian technologies increasingly overlap. But it is crucial as a means of buying time for diplomacy to work to bring about regional arms control agreements and for improved theater defense capabilities to be developed. And let me add that our multilateral export controls need to make no distinction between missiles and so-called peaceful space launch vehicles. The technology is identical, and we must deal with capabilities, not intentions. Intentions can be both masked and easily changed.

The second component of our missiles nonproliferation strategy must involve diplomacy. Our diplomatic efforts should be aimed at strengthening the multilateral control regime by bringing nations such as China into that regime. At the same time, we must seek to mediate the regional disputes which spur regional arms races and cause nations to seek missile and other defense capabilities.

This is not going to be easy. Many of the regional disputes appear intractable and continuation of regional arms races appears inevitable. But NATO-Warsaw Pact relations seemed equally intractable just a few years ago. If the weight of conventional defense expenditures can become unbearable for the Soviet economy, the same can be true for many struggling Third World economies as well.

The third and final component of our strategy will be technological. Congress has strongly supported development of antitactical ballistic missile defenses. On a bipartisan basis we have consistently supported funding for the Army's Patriot system and for improvements in our antitactical missile defenses.

We have done so because the technology to cope with the threat of unsophisticated short-range missiles of the Scud or al-Hussein type to our deploying military forces and to our allies is both reasonably mature and affordable. This is largely a result of the Army's consistent investment in these technologies over the past 30 years. The successful test Monday of an ERIS—exoatmospheric reentry vehicle interceptor system—interceptor missile in the Pacific also points to the maturity of these ground-based ABM Treaty-compatible technologies for dealing with limited ICBM threats.

The antitactical ballistic missile threat has not been the focus of the SDI Program since its inception in 1983, although there have been indications the past few weeks that we may see a shift in focus toward development of improved ATBM's in the fiscal year 1992 budget we will receive on Monday, February 4.

Instead, the SDI Program has focused on space-based defenses to cope with the enormous Soviet ballistic missile capability, 5,000 warheads even under the START Treaty now in final stages of negotiation. This task is many orders of magnitude more difficult and the technologies far less mature. Coping with the entire Soviet ballistic missile threat forces a focus on space-based defense capable of boost-phase intercepts. Indeed, the SDI Program has been characterized by a constant search to find something which could be deployed rapidly in space, the latest candidate being the Brilliant Pebbles space-based interceptors, whose cost,

performance, and schedule have been egregiously overpromised. And I should note that Brilliant Pebbles, even if you believed all the claims for them, would not be able to engage the short-range Iraqi missiles deployed against ourselves and our allies in the current conflict.

Unfortunately, the President's call last night for pursuit of "an SDI program that can deal with any future threat to the United States, to our forces overseas and to our friends and allies" sounds once again like a call for deployment of space-based defenses, which are technologically immature, enormously costly, and would bring about a renewed United States-Soviet strategic arms race.

The public should not be mesmerized by the Patriot ATBM's great success against Iraqi missiles in the Persian Gulf theater into believing that the SDI Program should receive blanket support. There are fundamental problems in the way SDI Program has been conducted, and those problems are still with us. Many of us who have supported SDI spending over the past 8 years want to see this program placed on a substainable footing. We want to support technologies that work, that are affordable, that will deal with real threats, and that will not reignite an arms race with the Soviet Union. We need to get away from rhetoric that calls for dealing with any threat anywhere. This program has been plagued from the very start by rhetoric that set unachievable goals.

We still have fundamental issues to resolve regarding the goals and direction of the SDI Program. We started that debate last year with the Bingaman-Shelby amendment which defined essentially four missions for SDI and allocated funding among those missions. Those missions were first, theater missile defenses, second, ABM Treaty-compliant defenses against accidental launches or limited strikes, third, near-term space-based defenses and fourth, longer-term research on more robust defenses involving more exotic follow-on technologies.

Last year Congress appropriated $398 million for antitactical missile defenses—the Partriot II, Arrow, extended range interceptor [ERINT], and theater high-altitude area defense [THAAD] programs—almost triple the request. Congress indicated it would be willing to deploy such improved theater defense if development is successful. Last year Congress showed strong support for ground-based interceptors and ground-based sensors which might provide the basis for an ABM Treaty-compliant defense against accidental ICBM launches or very limited ICBM threats. Congress supported a modest research program on follow-on technologies. But Congress did not support the Brilliant Pebbles and related space-based systems, cutting them sharply from requested levels and requiring all SDI activities in fiscal year 1991 be conducted in compliance with the ABM Treaty.

The essence of the debate that started last year as we broke SDI down into its components comes down to what missions should SDI be aimed at and how can those missions be achieved at the lowest overall cost, broadly defined. We need to stop having technologies in search of missions, which is what Brilliant Pebbles is today.

I do not know the shape of the SDI Program which will be proposed to us for fiscal year 1992 and subsequent years. However, I hope that a consensus will develop in support of directing the bulk of our research efforts at antitactical missile defenses and ground-based strategic defenses. Research on more exotic defenses should continue at a modest level within the constraints of the ABM Treaty. But with the limited resources we can devote to this area, we need to be focussing on affordable solutions to real technologically solvable problems, not on finding a new rationale for expensive, unproven, space-based defenses which would undermine strategic stability and reenergize a strategic arms race with the Soviet Union.

The missile proliferation problem is going to be with us for the foreseeable future. That problem should not be confused with the separate and more challenging problem of dealing with existing Soviet strategic missile capabilities. No strategy is going to be completely successful in dealing with missile proliferation in the Third World. But the combination of multilateral export controls, diplomatic initiatives to develop regional arms control regimes and to resolve long-festering disputes, and development of defensive antitactical missile systems offers the best strategy for dealing with missile proliferation. No component of this strategy will be able to address the problem on its own. Export controls will be imperfect. Diplomacy will achieve uneven results. Defenses will never be impenetrable. But together these efforts offer the best approach to dealing with a problem to which our national security policy has not given sufficient attention in the past.

WAR PATIENCE

Mr. REID. Mr. President, in the spring of 1861, America girded itself for war. From the plantations and small holdings of the South, men in grey streamed north to join the army of northern Virginia. From the factories and workshops and main streets of the Northern States their brothers streamed south to meet them in the army of the Potomac.

Sometimes when I drive through the lovely land which surrounds us, I stop to remember those young men, so confident in their powers and righteous in their faith. I stop to remember men like Elmer Ellsworth, who spoke without a blush of shame of one of the first casualties of that war, who spoke without a blush of shame of the glory of giving their lives for their Nation.

Mr. President, they were, on one side, Americans fighting to maintain the Union and, on the other side, to tear her asunder. They were divided by ideals and heritage and economics, but they shared some common traits. One of those was the self-confidence, indeed, the overconfidence with which we as a nation have always faced the prospects of armed conflict.

Each side was convinced it would immediately prevail. Each was sadly mistaken.

Mr. President, the brash assurance with which we Americans face any problem is both our most basic strength and our potential Achilles' heel. We always want instant solutions to very complex problems; sometimes the very answer we seek is found in patience rather than undue haste.

Mr. President, when I spoke to this body 2 weeks ago in support of the use of force in the gulf, I asked that the President of the United States maintain the tradition our Nation has always followed of never sending a man where we could send a munition, of expending replaceable machines rather than irreplaceable young men and women.

To date, our Armed Forces have followed exactly that approach and with stunning success. Despite that success, despite the severe damage we have inflicted with pinpoint accuracy on the Armed Forces and military assets of Iraq, the media is reporting that the American people are growing restless, that they want a quick solution.

It is because I have heard those reports that I came to the floor today. Mr. President, the people of the United States should not, and I believe they do not, wish to engage our ground forces in combat until we have taken every step to neutralize the enemy's fortifications and emplacements.

Eventually I fear a time may come when the President, after consulting with General Schwarzkopf, will decide we must utilize the Army and the Marines, as well as the soldiers of our allies, to at least assault some portion of the Iraqi line. I hope, and I believe, that if the time comes the decision to send our young men and women into the naked flame of combat will not be taken until we have done everything possible to reduce the enemy's positions to rubble.

We have tremendous advantages in ground and air mobility, Mr. President, and we can use those assets to save lives, both American and allied, and also the lives of those Iraqis who Saddam Hussein is forcing us to fight. If we can break their line and cut them

off and starve them into submission, then by all means, Mr. President, let us do so. I am more than willing to measure this war in months rather than weeks, if by doing so we reduce the measure of our loss by the life of one American soldier.

This body took the step of supporting action to free Kuwait after a considerable delay, and after an agonized debate. I spoke in support of that action, both for philosophic reasons, and because I strongly believe that the day-to-day direction of modern combat is too complex, too rapid, and too violent to be managed in anything other than an instantaneous fashion.

We have sent our men and women into a war, Mr. President. Let us be patient, let the American people be patient, although they may have to wait for a month or two or three. Even measured by the petty affairs of men, that is but a little time, and if we forbear haste, when the victory arrives, and those young men and women come marching home again, God willing, more of them will be able to run into our welcoming arms.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY and Mr. LIEBERMAN pertaining to the introduction of S. 284 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, there are few watershed events in our lives that remain with us as clearly as conflict that involves our Nation. This is a time when our Nation is whole, yearning for a swift conclusion of the hostilities and the return of our loved ones at the earliest possible time. It is a time when we feel a togetherness of purpose and will. Whether we are for or against the use of force to dislodge the scourge of the Persian Gulf, it is abundantly clear that we stand behind the women and men that have responded to the call of duty.

Expressions of dissent against and agreement with our policy is the American way; it is the democratic way that makes America the envy of the world. Whether it is the demonstration in San Francisco or across from the White House, whether it is the human flag in San Diego's Jack Murphy Stadium or the 23½-mile yellow ribbon encircling Reno and Sparks, it is hometown America expressing itself. Regardless of one's posture on this issue, we can be certain that support for our troops facing aggression is not divided.

I was particularly struck by an article this week by Mary Stanley in the Las Vegas Sun highlighting a program by the Variety School. The youngsters and staff at the school wanted to show support for and build up the morale of our men and women in the field; the school is distributing T-shirts emblazoned with the statement "We are unable to serve—but we can support" and then "the few, the proud—the students of Variety School." The Variety serves about 180 handicapped students. While they cannot serve, they do serve. They remind us that their hearts and minds and prayers are with our sisters and brothers defending our ideals.

I ask unanimous consent that the Las Vegas Sun article be printed in the RECORD after my remarks.

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

TROOPS WILL GET UNIQUE SUPPORT

(By Mary Stanley)

Students and staff at Variety School are one step short of sending the shirts off their backs in support of American troops in the Middle East.

The school, which serves about 180 handicapped students, is selling T-shirts at $8 each, or two for $15—enough, principal Beverly Minnear hopes, to outfit all the approximately 500,000 servicemen and women stationed in the Persian Gulf. Las Vegans are asked to "sponsor" shirts to be sent overseas.

The shirt sale is a combination fund-raiser for the school and morale booster for the troops.

The school wanted to do something to show support for U.S. troops, but a gesture as simple as cards is not feasible because most of the students are unable to write, Minnear said. And when it comes to traditional fund-raisers, she added, "it's out of the realm of our possibility."

The T-shirts solve both problems.

The white shirts, printed in red and blue, feature a silhouette of Variety students saluting an American flag. The message on the top reads, "We are unable to serve—but we can support," and on the bottom it says, "the few, the proud—students of Variety School."

Military personnel in the gulf should not be subject to the same type of treatment as Americans who served in Vietnam, Minnear said.

Project organizers hope to clear $1 per shirt sold. Minnear would like to use the money to build a gym. Variety has only a small and often crowded multi-purpose room.

Orders may be mailed to Variety School, 2601 E. Sunrise Ave., Las Vegas, NV 89101. Orders may be individual or group. Names of donors will be included in the packages.

TRIBUTE TO SAM ISRAEL

Mr. HEFLIN. Mr. President, it is with great sorrow that I rise to pay tribute to a man who gave freely of himself not only to his family and friends, but also to his community and to the whole State of Alabama. Samuel Jacob Israel, who died on November 21, 1990, was one of those rare individuals who was able to offer himself to others and yet ask for little recognition in return. For almost one century, Sam lent his leadership to improving this great Nation in such diverse fields as finance, business, literacy, charities, religious organizations, and medical institutions.

Sam Israel immigrated from Ponadel, Lithuania, as a young man, and settled in Sheffield, AL, in 1909. In 1949, he founded the Paper and Chemical Supply Co. in Sheffield. Through his leadership as the chairman of the board for the next 45 years, Sam built his company into a thriving business. He proved to be not only a successful businessman, but a durable one as well, for he retired at the ripe age of 93.

Sam Israel's hard work and dedication to numerous worthy causes, led him to become known as a generous benefactor who could accomplish whatever task he set his mind to.

I can think of few men who have set such a fine example of hard work, commitment, and generosity. Sam Israel succeeded in fulfilling the American dream. He immigrated to America as a young man of 18, looking for a better way of life. In return for freedom and a chance to succeed, Sam gave freely of himself through his whole life to many causes benefiting the community. He donated land and helped raise funds for the Northwest Alabama Rehabilitation Center in Muscle Shoals. Sam's efforts influenced Alabama Public Television to cooperate in teaching adults across Alabama to read. In addition, he is also remembered as one of the driving forces behind the construction of the Muscle Shoals Airport.

Sam Israel donated much of his time to numerous worthy organizations within his community. He served on the board of directors for the Red Cross, the Salvation Army, the United Way, and the Tennessee Valley Council of the Boy Scouts, the B'nai Israel Temple, and the B'nai Brith Home for the Aged in Memphis, TN.

Many people recognized Sam's benevolence and devotion through formal awards. Although I cannot name all of these awards, two of the more important ones are the Daughters of the American Revolution American Medal and the Chamber of Commerce Citizen of the Year Award. By his passing, I feel that America has lost a great man who always had a warm heart and an open hand.

Mr. President, I ask unanimous consent that the attached newspaper article which describes Samuel Israel's outstanding service to the Muscle Shoals area and to Alabama be printed in the CONGRESSIONAL RECORD.

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

SHOALS BUSINESSMAN SAM ISRAEL RECALLED AS HUMANITARIAN

FLORENCE.—One of the most durable and benevolent businessmen in Northwest Alabama died Wednesday, Nov. 21, at his residence at the age of 99.

Samuel Jacob Israel died at Mitchell-Hollingsworth Annex and was remembered Friday as a humanitarian whose influence will long be felt in the Shoals.

Israel founded Paper and Chemical Supply Co. more than 40 years ago after many years as a wholesale grocer. He immigrated from Lithuania and settled in Sheffield in 1909.

"He was a very kind and caring person, and he had a real concern for the handicapped people in our community," said E.B. Hamner, director of the Northwest Alabama Rehabilitation Center in Muscle Shoals. Israel donated the land for the center and headed fund-raising efforts for its construction.

"He helped get the community and the service league involved with it and he made a large contribution to it himself," Hamner said.

Dick Biddle, president of WOWL-TV in Florence, said Israel was the primary organizer of many community service projects though he did not seek credit or publicity for his work.

"I've known Sam for 44 years and he was one of a kind," he said. "He never sought publicity for the good works he did though he initiated many things.

"People worked with Sam and not for him. That's the way he wanted it," Biddle said. "He was unique among men."

Charles Peery, retired president of First National Bank of Florence, said Israel "initiated many things that were good for the community."

"Anything that was good for the community, you could count him in," Peery said.

Israel's grandson, David Muhlendorf of Florence, said Israel was deeply involved in business and civic affairs, "but always had time for his family.

"His involvement in civic affairs is what has inspired my involvement and inspired my brother (Dr. Ken Muhlendorf) to become a doctor," he said.

The graveside service will be at 2 p.m. Sunday at Sheffield Oakwood Cemetery with Rabbi Peter Haas officiating. Morrison Funeral Home, Tuscumbia will direct.

Visitation will be from 7-8:30 p.m. today at the funeral home.

Israel was born in Ponadel, Lithuania, and came to Sheffield in 1909, marrying Bessie Kreisman in 1912. After her death in 1965, he later married Hilda Shipper. He was active in the wholesale grocery business until 1952. In 1949, he formed Paper and Chemical Supply Co. in Sheffield with his son-in-law, the late Jack Muhlendorf. Israel was chairman of the board until his retirement in 1984.

A naturalized citizen, he received the Daughters of the American Revolution American Medal and was honored by the Exchange Club's Book of Golden Deeds award. He was the first person to receive the Citizen of the Year award presented by the chamber of commerce and WOWL-TV. He was a member of the Elks Lodge and was a 32nd Degree Mason and a Shriner.

He served on the boards of directors of the Red Cross, State Nation Bank (now Central Bank of the South), the Salvation Army, Alabama Society for Crippled Children and Adults, United Way of Colbert County, Muscle Shoals Chamber of Commerce, Muscle Shoals Regional Library and Tennessee Valley Council of the Boy Scouts. He was president of the Muscle Shoals Airport Authority and played an important role in gaining support and money for construction of the airport.

He was active in adult literacy efforts and gained the cooperation of Alabama Public Television in teaching adults throughout Alabama to read. He served as president and was a life member of the board of B'nai Israel Temple, Florence, and was president of the Jewish Federated Charities. He also served on the board of the B'nai Brith Home for the Aged, Memphis, Tenn.

Survivors include a daughter, Mrs. Jack Muhlendorf, Sheffield; stepsons, Stanley Shipper, Florence, Edward Shipper, Little Rock, Ark; three grandchildren; six great grandchildren; nieces and nephews.

Memorials may be made to charity. Bearers will be Roy Wilson, Stanley Shipper, Gary Wilkinson, Dr. Andy Greene, Buddy Draper and Morris Klibanoff.

Honorary bearers will be members of the Sheffield Kiwanis Club, employees of Paper and Chemical Supply, Dick Biddle and George Stabler.

TRIBUTE TO JOHN EDWARD WALLER

Mr. HEFLIN. Mr. President, I rise today to pay tribute to John Edward Waller who died earlier this month in Mobile, AL. John Waller was truly a distinguished businessman and an outstanding Alabamian.

John Waller's 72 year life could only be called successful and fulfilled. He saw many changes over these years and built what became one of this nation's outstanding office supply companies. He is remembered not only for his brilliant business career, but also for his outstanding military and civic accomplishments.

John attended public schools in Mobile and the Southern Military Academy in Greensboro, AL, before graduating from Riverside Military Academy in Gainesville, GA. After his first job as a sales representative in southern Mississippi for R.J. Reynolds Tobacco Co. John joined the U.S. Army as a private.

In the military, as in the rest of his life, John Waller rose through the ranks by distinguishing himself as a hard and devoted worker. He rose to the rank of major, serving under both Gen. George Patton and Gen. William C. Westmoreland, and earned the Bronze Star with a cluster and the combat infantryman's badge.

He also served for 2 years during the Korean conflict. He remained in the National Guard until 1957 when he retired as a lieutenant colonel.

Mr. President, on February 2, 1984, I paid tribute to John Waller following a feature story on his life in Nation's Business, a U.S. Chamber of Commerce publication. They were recognizing John's contributions to the creation and expansion of Waller Brothers, Inc., a large business equipment company.

John started the company in 1953 with his brother Joe. The company has expanded to include many stores and cover much of the Southern United States. In 1978, he turned his back on the sales offer made to him and instead sold the company to his employees. It is this kind of decision that made John a successful businessman, a good friend and a humanitarian.

John will be especially missed at the Dauphin Way United Methodist Church, where he was an active member for his entire life. His work on the church's board of stewards, as president of the Mobile Boys Club of America and in the Mobile Chamber of Commerce have left many of his friends with fond memories of his benevolence and devotion.

John Edward Waller's legacy, Waller Brothers Inc., will long bear the stamp of his hard work and devotion. He will be greatly missed by all who knew and loved him.

Mr. President, I ask unanimous consent that an article describing John Edward Waller's life be included in the RECORD.

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

[From the Mobile Press Register, Jan. 12, 1991]

JOHN EDWARD WALLER

John Edward Waller, a well-known businessman, died Saturday at a local hospital.

Waller, 72, was a lifelong resident of Mobile and was co-founder of Waller Brothers Inc. He retired as the company's chairman of the board in 1977.

He was a lifelong member of Dauphin Way United Methodist Church, where he served on the board of stewards.

A graduate of Riverside Military Academy, Waller attended Mobile public schools. He served in the U.S. Army from 1941 to 1946 and was in the National Guard until 1957, retiring as lieutenant colonel.

He was on the board of the Mobile Firemen's and Policemen's Pension Funds and served on the board of directors for Secor Bank.

He was a former director of Mobile Area Chamber of Commerce, a former president and director of Boys' Clubs of Mobile and an honorary alumnus of Virginia Military Institute.

Survivors include his wife, Mary Anne Risen Waller of Mobile; one daughter, Suzanne Waller Silva of Mobile; two brothers, Joe P. Waller and Charles Lee Waller Jr., both of Mobile; two granddaughters and other relatives

Funeral services will be held at Dauphin Way United Methodist Church on Monday at 3 p.m., followed by interment in the Chapel of the Pines Mausoleum in Pine Crest Cemetery.

Visitation will be from 1 until 3 p.m. Monday at Dauphin Way United Methodist Church.

Memorials may be made to Dauphin Way United Methodist Church.

Arrangements are by Rodney Funeral Home, Dauphin Street.

TRIBUTE TO DR. ANNETTE SHELBY

Mr. HEFLIN. Mr. President, I rise today to pay tribute to an outstanding Alabamian who has risen to the top of her field in higher education. Dr. Annette Shelby, a native of Kinston, AL, is today one of the most talented and respected professors in the Georgetown University School of Business.

Although Annette began her career teaching at the University of Alabama, she has found an academic home at

Georgetown. In 1979, she accepted a position at Georgetown and was later named as an associate professor of management communications. She has distinguished herself through both her published works and through her teaching. Her outstanding contributions to Georgetown have been recognized through numerous awards as well as her being named the first woman to earn tenure in the Georgetown University School of Business.

Although I cannot begin to name all of the awards and recognitions which Dr. Annette Shelby has won but I have selected a few which give you an idea of her accomplishments. Dr. Shelby has served as an instructor in the Helsinki School of Economics International MBA Program. Her teaching excellence at Georgetown recently won her the Joseph LeMoine Award of Teaching. In addition, she received the Alpha Kappa Psi Award for Distinguished Publication in Business Communication.

Some of us might consider that Dr. Shelby holds two full time positions, for in addition to her job as a professor, you may recognize her as the wife of our colleague, Senator RICHARD SHELBY. The Shelby's met while they were both attending the University of Alabama and recently celebrated their 30th wedding anniversary. For 20 of those years, Senator SHELBY has held elected office. In my judgment, they have done an excellent job of balancing their careers.

Mr. President, I ask unanimous consent that an article from the University of Alabama Alumni magazine, describing Dr. Shelby's career be included in the RECORD.

Thank you, Mr. President.

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

ANNETTE SHELBY

(By Mark A. Morrison)

To Annette Shelby, Teaching is a little like investing money in a savings account: the more you put into it, the more you get out of it. Especially if you want to have a positive influence on every student you meet. And Annette Shelby wants to do just that, although the associate professor of management in the Georgetown University School of Business admits it doesn't always happen.

"Teaching affords you an opportunity to make a difference. And although you want to, you don't make a difference with every student," Shelby says with a hint of disappointment in her voice.

"But with some students you know that you have been able to have some sort of positive impact and that in turn makes you want to work harder."

As she sits in her office on the Georgetown campus, which is only minutes from the nation's capitol in Washington, D.C., and talks about education, making a difference, and reaching students, it is easy to see that the professor's words are more than mere rhetoric.

Dr. Shelby, as even her colleagues affectionately refer to her, wants to make a difference. A genuine difference.

Such intensity makes one wonder why.

She hesitates to answer.

It is a cautious, strategic pause, not because she is under pressure to provide a suitable response, but instead because the business communication professor and South Alabama native wants to choose her words carefully and not be misunderstood.

"I come from a family of school teachers. Initially, I resisted the idea of teaching because I thought I wanted to do something different. But I realized quite early in my life where my talents lie. And when I began teaching and received feedback from my students that showed that I was making some connection with things that were important over the long term with them, then I knew I had the potential to teach students things that would go with some of them for the rest of their lives."

Simply put, Annette Shelby enjoys teaching and considers herself fortunate to have a job she likes.

Georgetown University is a long way from Kinston, Ala., where Annette Nevin Shelby grew up and attended high school. But the contributions the educator has made and continues to make in the area of business and speech communication are numerous and notable reasons which indicate she made the correct career choice.

Consider the following.

1990

Instructor, International MBA program at the Helsinki School of Economics.

Received the Joseph LeMoine Award of Teaching, recognizing teaching excellence in Georgetown University's School of Business.

Received Alpha Kappa Psi Award for Distinguished Publication in Business Communication.

Presented the Hallie Armor Lectures at the University of Montevallo.

1989

Named Fellow of the Association of Business Communication.

1987

Won the Outstanding Alumni in Speech Communication Award from The University of Alabama.

Inducted into the Alabama Women's Academy of Honor by the Alabama Business and Professional Women's Foundation.

1985

Nominated by U.S. Committee for Fulbright Lecturing Award.

1984

Won the Leavey Award for Excellence in Private Enterprise Education, the Freedom's Foundation award for excellence in teaching.

1980

SCA Golden Anniversary Monograph Award for her essay "The Southern Lady Becomes an Advocate."

A 1960 graduate of the University of Alabama, Shelby received an MA in speech from the University in 1962 and later received her doctorate in the same field from Louisiana State University in 1973.

A fellow student at the Capstone remembers Shelby as very career oriented and determined even as an undergraduate. "You have to remember this was a generation ago. Annette was on the cutting edge of women in professional business. Thirty years ago there were not that many women on the front lines. She was out front," says then-UA law student and now U.S. Senator Richard Shelby, '57, LLB'63, D-Ala, and husband of Mrs. Shelby.

The senator said his wife has always had a desire to teach and that he is not surprised at her success in her academic endeavor. "Annette has always had a lot of energy and has channeled it into her academic career. She is well organized and has done extremely well at Georgetown. She is where she is today on her own merit."

Of course it hasn't always been an easy drive down the academic parkway for the politician's wife. And the senator is the first to admit that maybe his career is a drain to his wife. Married to a state senator-turned congressman-turned U.S. Senator is a demanding role in itself—traveling, campaigning, and visiting constituents. "Sure it's been tough," says Mrs. Shelby. "But being a politician's wife is not a new role for me.

"For almost all of my married life, my husband has been involved in politics. He was in the Alabama State Senate for eight years, in the U.S. Congress for eight years and is in his fourth year in the U.S. Senate. That's a long time," she says, in a way that suggests she has become accustomed to the life.

"I am aware of the tremendous pressure that Dick is under, both pressure from the national spectrum in doing something useful in terms of the direction of the country and also pressure from the Alabama constituencies. But I don't think that affects me particularly other than I am aware of his responsibilities," Mrs. Shelby said.

"I am also aware that it means a lot of long nights for him which affect me in that there are fewer suppers and time spent together. That sort of goes with the territory. And if you are not willing to buy into it then you will not be able to survive in the political life.

"I think we have always wished each other well. Politics is not a life which I would have chosen for myself. And teaching is not a profession he would have chosen for himself. He has always been supportive of my being able to get the kind of education I needed to succeed in a life as a teacher. That has not always been easy on him."

Serving constituents or serving students, the Shelbys, who are in the forefront in their respective careers, realize they have their own offices to run. The couple credits much of their individual success to the other's support, and recently celebrated their 30th wedding anniversary. They own a townhouse in Georgetown and also maintain a Tuscaloosa residence and have two sons: Richard Jr., a 1989 graduate of the University, and Claude, a senior at the Capstone.

A smile spreads over Annette Shelby's face when asked to talk about The University of Alabama. So much that has happened in her life revolves around her alma mater, she says. Not only did she receive her bachelor's and master's degrees and meet the man she later married, but it was at the Capstone that she began her professional teaching career.

"I had a lot of wonderful opportunities while I was in school. My opportunities to be a part of the debate program were very important, not only in terms of the people I met and the wonderful travel opportunities, but from the perspective of helping me to think more clearly and in a more disciplined manner, to take defensible positions and to be able to defend them with good reasons.

"I received a good education from the University of Alabama. I had some superior teachers who challenged me to think and gave the opportunity to explore ideas. More importantly, they gave me confidence in my own abilities."

Hired as a temporary instructor in the speech communication department in 1971,

Mrs. Shelby quickly decided "temporary" was not a title she wanted the rest of her career. So she earned a doctorate from LSU two years later and was appointed to the graduate faculty in the speech department at Alabama in 1974. In 1977 she moved from the speech department to the business department at Alabama, where she became an associate professor until she left to join the Georgetown faculty.

Dr. Barry Mason, dean of the University's College of Commerce and Business Administration, was chairman of the management and marketing department during Mrs. Shelby's Alabama tenure.

Mason said the business school began refocusing the department's attention on business communication when it brought Mrs. Shelby into the college.

"Annette was a pioneer at the time when she moved from the speech department to the College of Business to help develop the expertise within our faculty in the area of interpersonal relations and conversation," Mason said.

"Leaders do not have a road to follow. And Annette had the ability to lead by example. She was able to give us a sense of what the future would hold for the University's business communication program.

"What impressed me the most about Annette is that she had a holistic perspective on what the curriculum should be, not only in terms of communication, but also in terms of the global market and human resources. She was ahead of the times in talking about the need for cultural diversity of nuances of communication across global cultures."

Shortly after her husband was elected to Congress in 1978, Mrs. Shelby took leave of her University position and became a research associate at Georgetown in 1979. She received a visiting appointment in 1980 and was later named to her current position as associate professor of management communication.

Just as she blazed new trails in her work at Alabama, Annette Shelby continued to set new standards at Georgetown University where she became the first woman to gain tenure in the school of business.

"The first year I was here (Georgetown) I actually was a research assistant which led into a tenure track position in management communication. Though the university had been teaching courses in the area, no permanent position had been established until I came," Mrs. Shelby remembers.

"I have had tremendous support from the other facility and from the administration at Georgetown for what I do and that has been important in giving management communication credibility for my students."

The Master's of Business Administration (MBA) program is relatively new at Georgetown. Mrs. Shelby was involved in implementing the school's first program which has evolved into a fully accredited degree. "I teach primarily MBA students, although I do teach some undergraduates occasionally," said Mrs. Shelby.

In addition, Mrs. Shelby is the director of Georgetown University's program in comparative business at Oxford University, a highly selective summer program for undergraduates.

"Dr. Shelby is certainly one of our outstanding key teaching scholars," said Dr. Ali Fekrat, associate dean for faculty at Georgetown. "Her teaching has been exemplary. He contributions to management communication and management in general has been praised by her peers in and outside of Georgetown. She is considered a valuable and cherished colleague.

"The business school never had a tenured faculty member that was a woman until she was tenured a few years ago. The importance of this is the role model she is and the role that she can play in helping other female faculty members achieve tenure."

Dr. David Walker is director of the Center for Business-Government Relations at Georgetown and has been a fellow faculty member of Mrs. Shelby's since 1980. "Annette is one of my favorite people in the world. We were delighted to steal her away from Alabama," Walker says with amusement. "She is one of our real faculty leaders. When she speaks up on an issue people listen. She has a talent of taking financial lingo and putting it into English so everyone can understand it."

Walker also calls Shelby "one of the most popular teachers" in Georgetown's business school.

At 51, Mrs. Shelby is a courageous woman. She has won the respect of her family, her friends, her students, her colleagues, peers and administrators. She has balanced a career and a family. And, in addition, for more than 15 years she has also had to battle a chronic illness, a disease which only three years ago left her in serious condition at University Hospital in Birmingham. Although the Shelbys have decided to keep her illness a private matter, Mrs. Shelby said the chronic illness is lupus.

Lupus is a disease of the immune system in which the body's natural defense system turns on itself, forming antibodies that attack and destroy healthy tissue. Some of the more common symptoms include pain and swelling of the joints, skin rashes and inflammation of the membrane lining of the lungs.

"It is much more common that I realized, although three years ago it was very threatening. I have been most fortunate to have received outstanding medical care and the support and prayers of a lot of people."

Although she has been at Georgetown University for more than a decade, she talks of its campus with the enthusiasm of a newcomer. "It's a beautiful campus, especially this time of year," Dr. Shelby says. As she walks across the school grounds colleagues and students alike stop her and engage in friendly conversation. The salutations are many and the smiles focused in her direction on this fall afternoon are also frequent. One student stops to ask about a class assignment while another is concerned about a test grade. A fellow faculty member gestures from across a walkway signaling for a brief conference. She acknowledges him, their paths meet and the conference is granted.

Dr. Shelby seems to embrace the hectic pace of this somewhat typical day. "There is really not any such thing as a typical day," she says, responding to her companion's notion. "But," she continues, "it's a good day to be a teacher."

U.S. SENATOR RICHARD SHELBY

Senator Richard C. Shelby and his wife, Annette, recently celebrated their 30th wedding anniversay, Sen. Shelby, of Tuscaloosa, was elected to the U.S. Senate on November 4, 1986, following four terms as Alabama's Seventh District Congressman. He serves on the Armed Services Committee, the Committee on Banking, Housing and Urban Affairs and the Special Committee on Aging.

Education: BA, University of Alabama, 1957, LLB, University of Alabama School of Law, 1963.

Public service: Throughout his professional career as a practicing attorney and small businessman in Tuscaloosa, Sen. Shelby held leadership positions in several community service organizations. He was elected to the Alabama State Senate in 1970 where he served as chairman of the Legislative Counsel. On Nov. 7, 1978, he was elected to represent Alabama's Seventh Congressional District.

IT'S TIME TO PAY THE BILLS, AND LET'S START BY PAYING FOR THIS WAR

Mr. HOLLINGS. Mr. President, attending the State of the Union last night in the House Chamber, I could not help imagining I was listening to a Democratic President. After all, as far back as my memory goes, it has only been Democratic Presidents who got the United States involved in major foreign wars. And on domestic themes, George Bush sounded like Lyndon Johnson with a Yankee accent, talking up liberal spending initiatives ranging from "a new national highway system" to "record levels of Federal investment" to "incentives to create jobs in inner cities." The President proposed new investments in children, education, infrastructure, space, high technology—you name it, the President is for it.

All of which goes to confirm that there is no essential difference between Republicans and Democrats in Washington these days. Both parties are gung ho for major Government spending programs, and both parties are adamantly opposed to paying for them with increased taxes. To the contrary, both parties are falling over themselves in a bidding war to cut people's taxes even further. The President wants a tax cut for those making more than $200,000 a year—his holy grail is a lower capital gains tax rate. The Democratic leadership wants tax cuts for working Americans. Chances are we will work out a deal and cut taxes for both groups. Whoopee. Deficits? Who is the skunk at the garden party who mentioned deficits? Obviously, both parties seem to think that the Treasury has too much money, so we need to cut taxes and give money back to the people just as fast as we can. I reread the President's speech carefully—I saw ringing phrases like "shining purpose" and "thousand points of light," but the President did not once utter the word "deficit."

He is living in a dream world. But meanwhile, back here in the real world, we are looking at a record $360 billion deficit for 1991, according to the Congressional Budget Office's latest estimate. The deficit for 1992 is predicted to be roughly at that same level. And these estimates are optimistic; they assume a smart, quick rebound from our current recession.

The President, in his dreamworld sing-song, called last night for Alan

Greenspan to lower interest rates. Meanwhle, back in the real world, Alan Greenspan has no choice but to keep interest rates high enough to attract the hundreds of billions in foreign capital that are financing our public debt. This year we will borrow another $360 billion-plus to finance Uncle Sam's new deficit spending for 1991. Some two-thirds of that sum will be raised from foreign sources. And, with a falling dollar, those foreign lenders are not going to keep fueling our gravy train unless we offer them a handsome rate of return. So let us be done with the hypocrisy of the President calling on January 29, for the Federal Reserve to lower interest rates, and then on February 4 submitting a 1992 budget blueprint that calls for another $354 billion in new deficit spending.

Here is the rude awakening: Interest on the debt. We will pony up more than $290 billion in interest on the debt in fiscal year 1991 alone. That is nearly as big as the entire defense budget. What is worse, thanks to runaway deficits, interest in the debt is escalating in increments of nearly $30 billion per year. This year, some 60 cents out of every $1 in personal income taxes will go strictly to pay for interest on the national debt; 60 cents out of every $1 will purchase not so much as a paper clip for the American people. Talk about waste, fraud, and abuse. The Grace Commission overlooked the biggest culprit—interest on the debt. So I can tell you that with interest costs jumping in increments of $30 billion a year, George Bush has put in place an affirmative action program to support waste, fraud, and abuse on a monumental scale. But far be it from him to mention the word deficit in his State of the Union Address.

Mr. President, the President devoted much of his speech to the Persian Gulf war. This tragic war has produced two very curious and unlikely coalitions. One coalition is on the battlefield, with the United States, the Soviet Union, Syria, Egypt, and a host of other strange bedfellows arrayed against Saddam Hussein. The other coalition is right here at home. It is a coalition which is bound and determined that America should not raise a special tax to pay for this war. I was particularly bemused in the Budget Committee last week to hear that Robert Reischauer of the Congressional Budget Office is in the vanguard of this war-by-credit-card coalition. Dr. Reischauer is offended that anyone would raise the idea of a special tax to pay for the war. Instead, he advances the interesting proposition that the Persian Gulf war is actually an investment in our future, and therefore it is only proper that our children and grandchildren should pay for it. In this morning's Washington Post, columnist Robert Samuelson also poohpoohs the idea that it might be a responsible thing to wage this war on a pay-as-you-go basis. Can you imagine that serious people are talking this way?

Of course, Dr. Reischauer and Mr. Samuelson are singing the song of the administration, which is dead set against paying for this war. Harry Truman raised taxes to pay for the Korean war. Lyndon Johnson levied a surtax to pay for the Vietnam war and left his successor a $3.2 billion budget surplus. But Goerge Bush has a better idea. Since war is, after all, an investment—sort of like sending your child to college—then let us just run up the national debt a couple more tens of billions to pay for it. This is what passes for conservatism in the year 1991.

Mr. President, a very cynical assumption underlines this war-by-credit-card coalition. The assumption is that the American people are gung-ho to wage war in the gulf, but that their zeal will somehow evaporate if they are asked to pay for it. Frankly, I give people a lot more credit than that. At a time when our service men and women in the gulf are being asked to risk the ultimate sacrifice, I believe that Americans here at home are willing and able to make the minimal sacrifice of paying a dedicated tax to pay for this conflict.

To that end, Mr. President, I have revised the thrust of the value-added tax I proposed in the initial days of the 102d Congress. My bill called for a 5-percent national value-added tax capable of raising approximately $100 billion in its first full year of operation. My original proposal earmarked the lion's share of this new revenue strictly for reducing the deficit and eliminating the debt. In addition, a portion was to be set aside for health care costs—the idea being that by reducing health care costs you are also reducing the deficit. What I now propose is that revenues raised by the value-added tax be used first and foremost to pay for that portion of the war costs not covered by cash contributions from our allies.

Of course, opponents of this tax or any other tax will howl that we should not raise taxes during a recession. This is the same crowd that says you should not raise taxes during a recovery, either. They are against any taxes at all, at any time, period—regardless of the size of the deficit. But for those of us who operate in the real world, let me point out that my VAT proposal would have no impact on this recession whatsoever. The earliest that a VAT could kick in would be January 1, 1993, nearly 2 years from now, at which time CBO and OMB both predict we will be in the midst of a robust recovery. The only sure-fire impact of a VAT would be to signal to financial markets that we are finally serious about tackling the deficits. This will lead to lower interest rates and lower inflation.

What is more, as all the experts point out, a VAT would be a tremendous plus in reducing the $100 billion deficit in our balance of trade. Remember that a VAT is a tax on consumption. The more you consume the more you pay. The more you save, the less VAT you pay. Bear in mind that many of those nonessentials that people choose to forego will be luxury consumer goods imported from abroad. Even more importantly, under international agreements a VAT is the only kind of tax that can be legally rebated on exported items. In other words, when Mercedes-Benz exports a car to the United States, the German Government rebates the VAT to the manufacturer. This saves Mercedes-Benz on its tax bill, and it makes German cars less expensive and more competitive on the United States market. As Lester Thurow, dean of the business school at MIT, says, "The rules of international trade are structured to make you stupid if you don't have a value-added tax."

The VAT is a tax that everyone loves to hate. It also happens to be the best bet for reining in America's private and public borrowing binge. VAT's are currently in place throughout the industrialized world. European nations average a 16-percent VAT. In Korea it is 25 percent. As these countries' experience demonstrates, a VAT fosters higher savings, lower interest rates, and—after the first year—lower inflation.

Of course, the best rationale for a VAT is that, even at a low percentage rate, it raises one heck of a lot of money. A 5-percent VAT will bring in $100 billion in its first year. We need every penny of it—not to lubricate the Federal gravy train but, at long last, to liquidate the Federal budget deficit.

Mr. President, it strikes me that this value-added tax proposal should enjoy strong support in the Congress. After all, the issue here is very simple: Are you or are you not in favor of paying the bills. The read-my-lips crowd loves to trot out the argument that any new revenues will simply be used to stoke up the gravy train. Well, Mr. President, the gravy train was stoked up and left the station long ago. You are not going to stop either the domestic gravy train or the Persian Gulf gravy train. The only serious question is whether we are going to pay for these gravy trains or, alternatively, are we just going to run up the tab on the national debt.

The President and 80 percent of Americans favor the Persian Gulf war. Likewise, on February 4, the President will submit a budget that will propose gravy-train spending to the tune of some $400 billion in excess of our revenue intake. So the question is simple: do we begin to pay for these expenditures, or do we continue the destructive joy ride of "read my lips?" I, for one, am hopeful that the cost of this

Persian Gulf war will bring us to our senses. I hope that we will choose to pay up-front for this war, and that we will take the next step and start paying up-front for all the other investments of the U.S. Government.

By all means, let us demand that our coalition partners pay their fair share of this war effort. But let us demand that we ourselves—this generation, not the next generation—pay the American share of the war effort. The most honest way of doing this is to levy a tax, such as a value-added tax, expressely earmarked to pay for the war. Any extra revenues can go to cover health care costs, and to reduce the deficit and debt. I believe that Americans are patriotic enough, and responsible enough, to see the wisdom and correctness of such a tax.

Mr. President, we can't afford to stand idly by as Europe blossoms and Japan takes the lead. We cannot ignore our fiscal crisis. While we are sidetracked by the Persian Gulf, we are falling further and further behind in the trade war—which is the war that really matters. We need to get the country moving again. We cannot rebuild Kuwait—we desperately need to rebuild America.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,146th day that Terry Anderson has been held captive in Lebanon.

PROTESTERS DO THREATEN CONDUCT OF GULF WAR

Mr. HELMS. Mr. President, I have a friend, now retired after a distinguished career in the U.S. Army, who lives in Southern Pines, NC. His name is Theo. C. Mataxis, but those of us who count him as a very special friend call him Ted.

Ted Mataxis loves his country, and he understands the meaning of America. He has little patience with some of his country men and women who are always on the ready to run to the streets to protest at the very times when America needs unity—not contrived complaints and criticism.

Perhaps it is because Ted Mataxis understands that America's freedoms can be as easily lost as they were painfully won by our forefathers by hellish sacrifice. The protesters have won no freedoms from mankind, nor have they preserved any. Clearly they protest for the sake of protest.

There also is always that predictable gaggle of protesters in the news media, using printer's ink and television cameras to denounce America, to criticize when they don't know what they are talking about. As Jeane Kirkpatrick once put it, "they always blame America first."

On January 18, a left-leaning newspaper in my State, the Fayetteville, NC, Observer-Times pontificated that the protests throughout America posed no threat to the military operation in the Persian Gulf. Ted Mataxis read the editorial with amazement. He sat down and wrote a letter to the editor of the Fayetteville paper which, it must be acknowledged, was promply published on January 24.

Mr. President, that letter deserves to be considered by all who are concerned whenever and wherever freedom is under attack, and whenever and wherever cruel, bloody tyrants like Saddam Hussein raise their heads.

I therefore ask unanimous consent that General Mataxis' letter to the editor be printed in the RECORD at the conclusion of my remarks.

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

PROTESTERS DO THREATEN CONDUCT OF THE GULF WAR

Your Jan. 18 editorial claimed that it is doubtful that the protesters "pose any threat to the operation." I and many others disagree.

As stated by the Iraqi Defense Minister, "Baghdad has decided on a long-term war which will bleed America and its allies." Saddam Hussein is basing his strategy on a long, drawn-out war while he depends on the dug-in tanks and infantry divisions to defend Kuwait.

The first phase of Desert Storm is an air war. As noted by Israeli analysts, "The air force can help in a war. It can shorten it, but it cannot decide it."

If the Iraqi soldier accepts the war as a Jihad, or holy war, and continues to defend his dug-in positions in spite of heavy air strikes, it will take ground combat to finally defeat the Iraqi army.

After the first days' euphoria over our air strikes, the president, the secretary of state and the Chairman of the Joint Chiefs of Staff have all reinforced this view, cautioning the public to expect hard fighting before the end of the war.

Ground combat results in increased casualties, and this is what Saddam Hussein's long-war strategy is based upon—not winning the war, but a holding action as he runs up the casualty lists and works to gain sympathy and support among the Arab nations. A key objective is to generate pressure through protest and demonstrations across the country on the U.S. government to withdraw, or to agree to a compromise which will leave his battered armed forces intact, able to try again in the future.

We should take a look at how public support changed during our last two major wars, Korea and Vietnam. Extensive studies have been conducted on how support for the Korean and Vietnam wars eroded as war dragged on and the casualty lists grew. These studies show a direct correlation of erosion of support for the war to the increase in casualty lists as the war continued.

As one of Iraq's key objectives, an attack on U.S. public support for Desert Storm, the political officers in the Iraqi embassy will be carefully analyzing the U.S. media for indications of declining morale and public support for the war. Demonstrations across the country will encourage Saddam Hussein and his followers to continue to hang on because the "great Satan" will lose spirit and agree to a compromise.

With our home-front morale a key target of the enemy and the demonstrators encouraged by feelings expressed by editorials such as yours ("it is un-American to equate dissent with treason"), demonstrations will continue to grow. This will encourage the Iraqis to hold on hoping the Americans will throw in the towel and quit as they did in Lebanon! This lengthening of the war will result in more American casualties.

While this "Theater of Dissent" may play well in the media and before the Supreme Court, these dissenters must realize that their actions are "giving aid and comfort to the enemy." The editors who state "it is un-American to equate dissent with treason" should review our laws—Title 18, Chapter 115—TREASON—Treason, Sedition and subversive activities, particularly Sec. 238 . . . "aid and comfort to our enemies." While the effect of today's protesters has not yet reached the stage where the government has to use such measures, it is well to recognize that such laws are in the books.

Another point raised by the editorial was that "wars are won and lost by men, machines and strategy—not demonstrations." It would be well to turn to history once again and review why we lost the Vietnamese war. It was the collapse of support at home which resulted in withdrawal from Vietnam.

News articles from the Middle East have carried numerous stories of soldiers' concern over public support for the war. Our soldiers don't want to fight another war like Vietnam. While risking their lives, they need to be reassured of support from their countrymen.

Congress has voted to support the president's use of our armed forces, and over two-thirds of the American people support action to free Kuwait. Legal issues aside, it is well for the protesters to think how their actions could contribute to lengthening the war and causing more American casualties. This is how their actions are perceived by the majority of the public who support the war, including those who have relatives and friends fighting the war.

As you noted in your editorial, "our nation was born in dissent." However, I recommend you carefully read our history of that era and note how the colonists reacted againt their neighbors who dissented from the position of the majority. Today we may not use tar and feathers, but where there are strong feelings there will be strong reactions—particularly by those who have contempt and hatred for those "demonstrators" who they feel are prolonging the war and causing more casualities to our forces. You should realize particularly in this region, which has supplied so many fighting men, that editorials such as yours only add to the frustration and bitterness felt by the relatives and friends of those who are fighting and dying for our country.

THEO. C. MATAXIS.

SOUTHERN PINES.

A TRIBUTE TO DOROTHY YATES KIRKLEY: THE FIRST WOMAN TO BE INDUCTED INTO MEMBERSHIP BY THE AMERICAN COLLEGE OF TRIAL LAWYERS

Mr. FOWLER. Mr. President, I rise to bring to your attention today the outstanding achievements of Dorothy Yates Kirkley, who has just been in-

ducted into membership by the American College of Trial Lawyers. Dorothy is the first woman from the State of Georgia to be inducted into membership by the American College of Trial Lawyers.

The college is the most distinguished honorary society of trial lawyers. It was founded in 1950, with a current membership of 4,500. The organization sponsors national competitions for law students and programs to improve the administration of justice. Membership in the college is by invitation of the board of regents.

Ms. Kirkley has served as an assistant attorney general for the State of Georgia and as an assistant U.S. attorney for the Northern District of Georgia.

A graduate of Emory University Law school in Atlanta, she served on the education board of the Journal of Public Law and was a member of Order of the Coif.

It is with great pleasure that I rise today to recognize my friend and one of Georgia's leading citizens.

APPOINTMENTS OF THE PRESIDENT PRO TEMPORE PURSUANT TO SENATE RESOLUTION 357, 101ST CONGRESS

Mr. MITCHELL. Mr. President, as provided for by Senate Resolution 357, adopted on October 28, 1990, authorizing the President of the Senate, the President pro tempore, and the majority and minority leaders of the Senate, to make certain appointments after sine die adjournment of the 101st Congress, the following appointments were made:

NATIONAL COMMISSION ON CHILDREN

On November 9, 1990, the President pro tempore appointed Dr. Reed Tuckson of New York, to the National Commission on Children.

On November 21, 1990, the President pro tempore appointed Mrs. Barbara B. Blum of New York, to the National Commission on Children.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KOHL). Morning business is closed. The Chair recognizes the Senator from Arizona.

AGENT ORANGE ACT OF 1991

Mr. DECONCINI. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 238, the agent orange benefits bill.

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 238) 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.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order there will be 1 hour of debate on this bill, equally divided and controlled by the two leaders or their designees with 10 minutes of the Republican leader's time under the control of the Senator from Wyoming [Mr. SIMPSON].

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, as the ranking Democratic member on the Committee on Veterans' Affairs, I am very pleased to be here, responding to the request of Chairman CRANSTON, the distinguished chairman of this committee, to serve as the floor manager for this legislation.

As our colleagues know, Senator CRANSTON cannot be here due to his illness. I did talk to him yesterday. He is doing better. He says he will be here within a month, and I know he wishes very much that he could be here for this important legislation. We owe him a debt of gratitude for his leadership over the years on this particular legislation. But in all legislation for the 14 years that I have been here dealing with veterans affairs, Senator CRANSTON has been the leader.

This final action on this agent orange legislation is just one other very vital piece of legislation that Senator CRANSTON has been instrumental in getting to the floor and now will be signed very shortly.

It would have established a process for the Veterans' Administration to determine, taking into consideration first a review of the relevant scientific information established by the National Academy of Science, whether certain diseases of veterans, Vietnam veterans, should be presumed to be service connected based on exposure to dioxin in agent orange or to other toxic agents in herbicides.

Mr. President, this bill is substantively identical to H.R. 556, which was introduced in the House at the same time as S. 238 by Representative SONNY MONTGOMERY, chairman of the House Committee on Veterans' Affairs. I am pleased to note that H.R. 556 passed the House yesterday by a unanimous rollcall vote and that we will vote on that measure this afternoon. As evidenced by the House's prompt action yesterday and the number of cosponsors on S. 238, both bills enjoy strong, bipartisan support—including support from those who opposed the agent orange legislation that we sought to enact last year.

Mr. President, this bill represents a historic agreement on agent orange legislation. It is the result of negotiations among the parties in both bodies, which began very soon after the end of the last session when we were unable to gain Senate consideration of S. 2100.

Mr. President, as my colleagues will recall, we sought in vain last year to have the Senate consider a bill, S. 2100, which provided a veterans' COLA and addressed other veterans issues, including the agent orange issue. However, because of objections to the agent orange provisions of the bill, Senate consideration of S. 2100 was blocked in the waning days of the Congress. As a result of a lot of hard work and effort, the agent orange issue was resolved. This resolution made possible early action on the veterans' COLA which passed last Thursday, January 24, and is now on the President's desk to be signed. Today we complete action on this package of very important legislation.

On behalf of myself and Senator CRANSTON I want to recognize particularly Senator DASCHLE of South Dakota for his fine effort. Senator DASCHLE has a very long legacy in this area. He worked for years on agent orange legislation in the House before he came to the Senate. Senator DASCHLE continued his efforts in the Senate. Even when other Senators had other issues or bills that they wanted to take up, Senator DASCHLE raised this very important legislation on behalf of Vietnam veterans.

It was because of his persistence that we are here today along with the work of Senator CRANSTON and, of course, the Senator from Massachusetts [Mr. KERRY], a Vietnam veteran, who has also worked as long as anyone on this issue.

We thank Senator DASCHLE for his long persistence and leadership in this area.

This legislation has been long in coming. We have worked tirelessly, for several years, trying to get a bill that would really address the problem. We are finally at that point today.

I have already expressed my thanks to Chairman MONTGOMERY for his leadership in the House and I want to thank the ranking member, Mr. STUMP, for their leadership and cooperation on this bill.

I urge my colleagues to give their unanimous support to this very important measure. I anticipate it passing very quickly and perhaps unanimously.

Mr. President, the Office of Management and Budget [OMB] has informed Chairman CRANSTON that it supports enactment of S. 238. I ask unanimous consent that the OMB statement of administration policy be printed in the RECORD at this point.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, January 28, 1991.

STATEMENT OF ADMINISTRATION POLICY

(S. 238—Agent Orange Act of 1991, Daschle and 36 others)

The Administration supports enactment of S. 238.

S. 238 would require that the Veterans Administration (VA) treat Vietnam veterans with non-Hodgkin's lymphoma, soft-tissue sarcoma, or chloracne (within one year of leaving Vietnam) as if these diseases were contracted as a result of Vietnam services. The VA acting pursuant to it's regulatory authority, permits approval of such claims. This bill codifies this authority. Because of the prior VA action the costs associated with these claims are included in the Office of Management and Budget (OMB) budget baseline. Since the pay-as-you-go requirements are measured against the baseline, enactment of S. 238 will not require offsets in order to avoid a sequester.

Mr. DECONCINI. Mr. President, as I mentioned, Senator CRANSTON is unable to be with us today. I ask unanimous consent that a statement by him be printed in the RECORD at this point.

The statement of Mr. CRANSTON follows:

S. 238: THE AGENT ORANGE ACT OF 1991

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs and an author or coauthor of every major agent orange bill that Congress has considered over the last 12 years, I am delighted to join my good friends, Senators DASCHLE and KERRY, who coauthored this bill with me, in urging support for S. 238. This bill has the overwhelming support of a bipartisan group of the Senator who have played major roles in agent orange legislation, including the cosponsorship of all of my colleagues on the Veterans' Affairs Committee, Senators DECONCINI, MITCHELL, ROCKEFELLER, GRAHAM, AKAKA, SPECTER, SIMPSON, MURKOWSKI, THURMOND, and JEFFORDS, and 33 other Senators. This legislation would establish a process requiring VA to determine, taking into consideration a review of relevant scientific information by the National Adademy of Sciences, whether certain diseases of Vietnam veterans should be presumed to be service connected, based on exposure to dioxin in agent orange or to other toxic agents in herbicides used in Vietnam.

Mr. President, this bill is substantively identical to H.R. 556, which was introduced in the House by my esteemed counterpart, Representative MONTGOMERY, chairman of the House Committee on Veterans' Affairs, on the same day we introduced S. 238 in the Senate. I am pleased that the House passed H.R. 556 yesterday by a unanimous rollcall vote and that the Senate will vote on the measure this afternoon and, I am confident, send it to the President.

Mr. President, this bill represents an historic compromise among those who have had strong differences of opinion about compensation for, and the study of, diseases possibly related to exposure to agent orange in Vietnam. It is the result of intense negotiations among the parties in both bodies, which began very soon after the end of the last session when we were unable to gain Senate consideration of S. 2100. Both sides made compromises and I think that the resulting bill reflects an excellent, improved approach to this subject. Enactment of this bill will be a major step toward putting behind us one of the most contentious and divisive issues remaining from the war in Vietnam. It is ironic that we are so close to healing this wound from our last war just as the Nation has entered into a new war.

Mr. President, my remarks would not be complete without acknowledging the leadership and energy that Senator DASCHLE has provided on the issue of compensation for veterans for diseases possibly related to agent orange exposure. From the time he served in the House, including his service as a House Veterans' Affairs Committee member and chairman of its Subcommittee on Education and Employment, he has been a chief proponent in the Congress of agent orange compensation legislation. Senator KERRY, has played a major role in this area and has been very active in developing this bill and the previous legislation on which it is based, including the three bills in the last Congress—S. 1153 and the agent orange provisions in S. 13 and S. 2100—and various other bills in previous Congresses. Senators DASCHLE and KERRY deserve congratulations for their contributions to this culmination of our efforts.

I also wish to express particular appreciation to House committee chairman MONTGOMERY and ranking minority member STUMP for the great spirit of cooperation and the oustanding leadership that they brought to this process. Without their excellent work on this bill, we would not be taking final action on agent orange legislation today.

Mr. President, I will not describe the provisions of the bill because the distinguished Senator from Arizona [Mr. DECONCINI], who at my request is managing floor consideration of this bill, is submitting for the RECORD a detailed explanatory statement prepared by the two Veterans' Affairs Committees. I note, however, that one of the major changes reflected in this bill, compared to its predecessors, is elimination of a requirement that the National Academy of Sciences categorize the degree of association between each disease that the academy studies and exposure to agent orange. Instead, the academy will focus on a purely scientific analysis of studies and other information regarding possible links between diseases and exposure to herbicide agents used in Vietnam.

The bill also simplifies the procedure that the Secretary must follow after receiving a report from the academy. The bill would require the Secretary to evaluate all the diseases examined by the academy to determine in each case whether there is a positive association between the disease and exposure to herbicide agents. If the Secretary finds a positive association, the Secretary would be required to establish a presumption that the disease is connected to service. This approach ensures that the independent scientific organization will make independent scientific judgments and recommendations, while the policymaker—the Secretary—will make the policy decision that determines whether VA must establish a presumption of service connection. This is the appropriate division of responsibilities.

Mr. President, resolution of the agent orange issue has made possible early action on the veterans' compensation cost-of-living adjustment that was blocked by two Senators in the waning days of the 101st Congress. I am pleased that we passed the COLA last Thursday, January 24, and that this vital legislation is now with the President for his signature. The distinguished majority leader, Mr. MITCHELL, who is a member of our committee and a cosponsor of this bill, clearly indicated his intention to make enactment of the fiscal year 1991 veterans' COLA and the agent orange legislation one of the Senate's very highest priorities when he introduced as S. 1 a bill containing the COLA and the agent orange provisions from last session's omnibus veterans' legislation, S. 2100. The extraordinary speed with which we enacted the COLA and will pass the agent orange bill today would not have been possible without Senator MITCHELL's leadership and active participation, for which I am very grateful.

I also thank our committee's ranking Democratic member, Senator DECONCINI, for managing this bill in my absence—as he did with respect to the VA compensation COLA passed by the Senate last Thursday.

I also would like to express my gratitude for their excellent work on this legislation to the House committee's majority staff members, John Brizzi, Pat Ryan, and Mack Fleming, and minority staff members, Kingston Smith and Carl Commenator and, for all their great help to me on this measure, majority staff members Kimberly Morin, Susan Thaul, Michael Cogan, Bill Brew, and Ed Scott. I also extend thanks for their very hard work on this legislation and cooperation in its development to Laura Petrou on Senator DASCHLE's staff and Steve Hart on Senator MITCHELL's staff.

S. 238 is an excellent, well-considered bill that addresses in a comprehensive

way the concerns of Vietnam veterans and their families about agent orange. I urge my colleagues to support this important measure by voting for the House-passed companion bill, H.R. 556, this afternoon.●

Mr. DECONCINI. Mr. President, I ask unanimous consent that the explanatory statements by the Senate and House committees on the provisions of H.R. 556, to which I referred earlier, be printed at this point in the RECORD.

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

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 National 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 relevent 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 October 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 or 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.

Mr. DECONCINI. Mr. President, I yield to the ranking member the Senator from Pennsylvania [Mr. SPECTER].

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I thank the Chair.

I offer my congratulations to the distinguished ranking Democrat, Senator DECONCINI, for his efforts on this bill and associate myself with his comments about the outstanding work done by Senator CRANSTON on this important item and also join in recognition of the work of Senator DASCHLE on this very important legislation.

Mr. President, this legislation is the conclusion of very lengthy efforts on a very complex matter where there has been a great deal of pain and suffering by the Vietnam veterans who were exposed to agent orange in many ways, themselves and their families. We are finally coming to the conclusion or at least an important step to a conclusion to provide compensation.

When I came to the Senate 10 years ago and was assigned a position on the Veterans' Affairs Committee, one of the first things that I did was to hold a series of hearings in Pennsylvania on veterans' problems. I held those hearings on July 2, 1981, in Philadelphia; August 7, 1981, in Erie, and on September 19, 1981, in Pittsburgh, because the consideration of the issues of Vietnam veterans was so important and had been long neglected because there had been so much public disdain for the Vietnam war.

During the course of those hearings, I heard a great deal of testimony about the problems of agent orange. I heard about cancers, burns, disfigurement. One of the items which was especially telling for this Senator was the testimony about children who had genetic defects which their parents believed were casued by the exposure of the father to agent orange in Vietnam.

Mr. President, I ask unanimous consent to print at the conclusion of my statement a part of the transcript from one of the hearings in Philadelphia on this subject.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, without going into great length, I recall vividly, almost 10 years ago, a child, 4 or 5 years old who came in without an arm. The concern was and the thought was that that genetic defect had been caused by the exposure of the father to agent orange in Vietnam.

As a result of what I saw there on December 15, 1981, I introduced Senate bill 1953 which would have provided compensation for victims of exposure to agent orange on proof in a trial, with competent medical evidence, that damages or disabilities or injuries were, in fact, caused by exposure to agent orange.

Mr. President, as we all know, there is a doctrine of sovereign immunity. A person cannot sue the U.S. Government because the U.S. Government is immune. It comes from the laws of England where the King was sovereign and you could not sue the King, and that doctrine of sovereign immunity has been maintained in the United States and in the 50 States as well, unless there is some legislative exception.

There is a legislative exception partially under the Federal Tort Claims Act—without going into any extensive detail on the consideration of those issues—suffice it for these purposes to say that a serviceman or others who claim to have been injured by exposure to agent orange could not go into Federal court and assert a claim and produce evidence, if you would, if there were litigation between two private parties when a doctor, an expert would testify as to cause and effect within the legal standards.

It seemed to this Senator in 1981 that consideration should be given on this important subject to moving beyond the traditional sovereign immunity and to allowing claimants to come into court with competent medical evidence, prove causation and have an opportunity to make that kind of a recovery.

I was aware at the time that it was a significant departure from existing legal procedures, but it seemed to me that that was something worth considering. I had then pursued it beyond the 97th Congress and on February 2, 1983, in the 98th Congress, I reintroduced the Vietnam Veterans Agent Orange Relief Act, captioned Senate bill 374, which would, again, have moved around the concept of sovereign immunity with proof of competent medical evidence as cases would be proved in courts involving private parties.

This Senator has long had a concern about this issue. As I was reviewing what has happened chronologically, it is a long torturous trail in the 10 years that I have been here. I note that on September 28, 1983, the Senate Veterans' Affairs Committee considered S. 1388 which dealt with this subject; on May 22, 1984, there was floor debate on Senate bill 1651 where this Senator offered an amendment 3090; then on June 17, 1985, there was Senate bill 876 dealing with health care issues which touched on agent orange; on July 31, 1987, this Senator cosponsored Senate bill 1510; January 26, 1988, there was other legislation, Senate bill 2011; on June 8, 1989, a number of us joined to cosponsor Senate bill 1153; and in 1990, February 28, Senate bill 2100 was under consideration. So it is a long torturous course to where we are today in having an agreement on this very important legislation.

I think it is very important, Mr. President, as Senator DECONCINI has already said about the obligation of this country to our veterans. We make many gifts, we make many grants, but we are not so good at fulfilling our obligations. We have a contract with the veterans of America to treat them fairly, and Vietnam veterans have not been treated fairly. There are many who have been exposed to agent orange, who have suffered very severe disabilities, and it has not been recognized. Much too much time has passed in the failure of the Government to come to grips with this very important item, and we are taking a significant step in correcting that by the action which we are taking today.

Mr. President, I inquire as to how much time remains on my side?

The PRESIDING OFFICER. The Republican leader's time is 12 minutes with an additional 10 minutes for the Senator from Wyoming.

Mr. SPECTER. We have an hour for debate equally divided, 30 minutes on each side?

Mr. DECONCINI. Ten of the Senator's thirty is for Senator SIMPSON.

Mr. SPECTER. I will take a few more moments, Mr. President, at this juncture, to read a letter from the Secretary of Veterans' Affairs, Edward J. Derwinski, dated January 29, which bears on this subject:

DEAR SENATOR SPECTER: On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of S. 238, 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.

Without taking the time now, Mr. President, to read the full letter, I ask unanimous consent that it be printed at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. SPECTER. Mr. President, what we have are certain presumptions where there was exposure to agent orange and a procedure to expand that category to grant compensation as well.

Much too much time has passed with all the studies that have been undertaken, but it is a significant step at this juncture to reach this milestone today.

I yield the floor.

EXHIBIT 1

TRANSCRIPT OF PROCEEDINGS OF VETERANS' AFFAIRS COMMITTEE HEARING HELD IN PHILADELPHIA, PA, ON JULY 2, 1981

Senator SPECTER: Would you amplify for the record the status of the parents in terms of the exposure to Agent Orange which has led to that condition you have just described.

Mr. CHRISTIAN: The father was drafted to serve in the military, serve with the 1st Cav. We broke Vietnam into corps and he was in 3 Corps with the 1st Cav., severely exposed to spraying.

I asked him did he get sick during the spraying. He said yes, he got sick during the spraying. Did he have any problems? He said yes, he had skin rashes.

There is no trace in their family of birth defects, no trace whatsoever. The mother is a registered nurse with a Master's degree. The father was drafted into the military. They were married before he went over. They had their children after his return.

Senator SPECTER: How long did he serve in Vietnam, if you know, Dave?

Mr. CHRISTIAN: One year, sir, 12 months in Vietnam. He received also a Purple Heart.

Danny and Donna Jordan are the family. As a matter of fact, I can share with you here, sir, if you would like, stuff from the State of Texas, their legislation, also a picture of the children.

Senator SPECTER: Yes, I would like to see that and I would like to have that made a part of the record.

Mr. CHRISTIAN: Here are the two children. It says, "I'm proud my dad is a Vietnam veteran. Don't forget the Vietnam veterans."

They are holding the shirt up with their deformed arms and it tells all about the children.

Senator SPECTER: I understand the situation with respect to the exposure to Agent Orange, but would you testify for the record your understanding of what exposure there was on the part of this Vietnam vet to Agent Orange.

Mr. CHRISTIAN: My own personal situation, sir?

Senator SPECTER: Well, no. With respect to him.

What is your understanding of his exposure to Agent Orange?

Mr. CHRISTIAN: His sharing with me personally that he was actually sprayed. There was a ranch hand study that was released and they were saying that they weren't—there's no side effects to that and I said, "What's your problem?"

And he said he was actually sprayed underneath the spraying.

I heard the ranch hand study on television. I said, "Well, they have no problem, no side effects." I understand that you have some of the words with you that was in the ranch hand study. I am saying that within the cockpit of an airplane is a different story than being on the ground when he was sprayed.

When he was actually sprayed, he got physically sick, physically sick.

They have also shared with United States Senators that people were not in the areas when they were sprayed. The Department of Defense has shared that. I have to tell you, sir, they are not sharing the truth with you.

Senator SPECTER. Physical sickness, nausea—

Mr. CHRISTIAN. Nausea, skin irritation. There is also a gentleman in the room that esperienced the exact similar disabilities that Danny Jordan experienced.

Senator SPECTER. And what immediately, if anything, beyond the nausea and the skin irritation?

Mr. CHRISTIAN. The skin irritation kept up ever since his service in Vietnam. He's had minor growths, minor tumors on his body.

Senator SPECTER. Was he subjected to Agent Orange on a variety and a number of occasions?

Mr. CHRISTIAN. As a combat soldier, yes, he was, sir.

Senator SPECTER. Then he served for one year and returned to the United States?

Mr. CHRISTIAN. One year, and returned to the United States.

Senator SPECTER. It was after his return to the United States that the two children were born?

Mr. CHRISTIAN. Gave birth to two children who have the exact same physical disabilities and there's no other evidence of disabilities in their family, there's no other evidence of that type of disability in and around his town in Texas and it's just such a heartbreaking situation to see two children having three fingers, shortened arms, stubs, the same arms that are holding up that T-shirt saying their father is proud.

I share with you also my brother, sir——

Senator SPECTER. These are photographs of the children.

Mr. CHRISTIAN. Photographs, but their arms are hidden behind the T-shirt there. We have actual photographs of people exposed, what's happened to them physically, physiologically. They have been somewhat destroyed and also emotionally it has taxed their system, yes, sir.

Senator SPECTER. He had just the two children?

Mr. CHRISTIAN. That's all they will have. They had another child. It was a coincidence. The medical doctors told them it was a freak accident they had the one child. When they had the second child with the exact same disabilities, that's when they became crusaders in Austin, Texas and they asked the state legislature to help them pass meaningful legislation which would give documented evidence and data to the federal government.

What we are doing right now, sir, is we are going state by state introducing legislation which will collect and compile the data to give to you to share with peers in the Senate how the people in the State of Pennsylvania are suffering. We can't wait for this test like they did with the nuclear reactor in the Midwest and our boys were exposed 30 years after and we are getting compensation coming down.

What I'm saying is today, with all this doubt and this question and this preponderance of evidence, weigh the benefit of the doubt as is established in Title 38 of the United States Code. If there's a doubt, weigh that benefit of the doubt in behalf of the veterans.

That's what we ask, sir.

EXHIBIT 2

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

Hon. ARLEN SPECTER,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of S. 238, 102d 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 of 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 the the court's order in *Nehmer* v. *Department of Veterans' Affairs*. We therefore ask that the staffs of the House and Senate Committee 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 S. 238.

Sincerely yours,

EDWARD J. DERWINSKI.

Mr. THURMOND. Mr. President, I rise today in support of S. 238, the Agent Orange Act of 1991. I am pleased to cosponsor this compromise to address the agent orange issue which is so important to our brave Vietnam veterans.

The bill before us today will codify action that the Secretary of Veterans Affairs took last year to grant permanent presumptions of service connection for non-Hodgkins lymphoma and soft-tissue sarcoma in Vietnam veterans.

The bill also establishes a permanent presumption of service connection for chloracne in veterans whose chloracne became manifest within 1 year of service in Vietnam. This is an important step which will provide disability benefits to many of those Vietnam veterans who were exposed to herbicides while serving their country.

Additionally, this bill establishes a method of determining whether permanent disability benefits should be awarded to veterans suffering from any other diseases that may be associated with expose to agent orange or other herbicides. The Secretary of Veterans Affairs is required to enter into a contract with the National Academy of Sciences to review all scientific and medical information regarding the health effects of expose to agent orange and other herbicides used in Vietnam. The National Academy of Sciences will submit its findings to the Secretary, who is required to provide a presumption of service connection for a disease if he determines there is a positive association with exposure.

I have stated many times that the highest obligation of American citizenship is to defend this country in its time of need, and the highest obligation of this grateful Nation is to provide for those who have been disabled because of service to their country. Now more than ever we must stand up for those who have sacrificed for freedom and America, our veterans. I urge my colleagues to join me in strongly supporting this long overdue measure.

Mr. DECONCINI. Mr. President, I misspoke when I mentioned the Senator from Nebraska [Mr. KERREY] as an original cosponsor; it is the Senator from Massachusetts [Mr. KERRY] although I am informed the Senator from Nebraska desires to be a cosponsor. Therefore, I ask unanimous consent that he be included as a cosponsor.

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

Mr. DECONCINI. Mr. President, it is a pleasure to yield the floor at this point to the distinguished Senator from South Dakota. Senator DASCHLE, along with Senators CRANSTON and JOHN KERRY, is the primary author of the measure we are considering today and of the many similar bills that led up to this historic compromise.

Although we are now debating S. 238, we will vote later today on H.R. 556. Through the vagaries of congressional procedure and timing, the House was able to vote on agent orange legislation before the Senate. In order to speed up enactment of the measure, the Senate will vote on the House-passed bill, so it may go directly to the President for his signature.

However, it should be clear to all that this legislation has its roots in the Daschle-Cranston-Kerry bill in the 101st Congress, S. 1153.

I yield to the distinguished Senator from South Dakota.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Arizona for yielding and for his kind remarks. Certainly I thank the Senator from Pennsylvania. I appreciate their cooperation and leadership efforts over the years, as Senator SPECTER has outlined, it has taken to bring us to this point.

Mr. President, I also ask unanimous consent that a list of cosponsors to S. 238 be printed in the RECORD.

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

S. 238—COSPONSORS LIST

Senators Cranston, Kerry, DeConcini, Mitchell, Rockefeller, Graham, Akaka, Jeffords, Pell, Leahy, Riegle, Bradley, Dodd, Lautenberg, Gore, Simon, Sanford, Adams, Mikulski, Wirth, Bryan, Kohl, Cohen, Chafee, Burdick, Levin, Harkin, Conrad, Biden, Shelby, McCain, Heflin, Ford, Simpson, Kennedy, Specter, Murkowski, Bingaman, Kerrey, Bentsen, Durenberger, Mack, Wellstone, Pressler, Moynihan, Thurmond, D'Amato.

Mr. DASCHLE. Mr. President, today we are finally beginning to resolve a problem that has plagued Vietnam veterans and their families for over 20 years. That problem stems both from veterans' exposure to agent orange and from an inadequate Government response to the consequences of that exposure.

S. 238, the Agent Orange Act of 1991, is the culmination of many years of work by many dedicated people. Senator JOHN KERRY and I first introduced the Veterans' Agent Orange Disabilities Act in 1987. Representative LANE EVANS introduced the companion bill in the House. Since then, there have been countless drafts and painstaking negotiations, all leading us to this moment in which we are about to enact comprehensive legislation to address the treatment, research, and compensation issues related to veterans' exposure to agent orange.

The premise of this legislation is a simple one: veterans suffering diseases that may be associated with exposure to agent orange—or any other factors related to their military service—deserve the benefit of the doubt with respect to their disability claims. We are not seeking to give Vietnam veterans any special status, only to give them the same status afforded all other veterans before them.

A sizable and growing body of scientific evidence suggests that exposure to agent orange is associated with the development of various diseases in Vietnam veterans. S. 238 is intended to make clear that, in cases where evidence for such associations is equal to or outweighs evidence against those asociations, the benefit of the doubt will be given to the veteran, and he or she will be compensated. The bill sets in motion a procedure for identifying diseases that meet that scientific test and providing immediate compensation for them.

Under the bill, the National Academy of Sciences will review the scientific evidence related to the possible health effects of exposure to agent orange and other herbicides and report their findings, on a continuing basis, to Congress and the Secretary of Veterans Affairs. The Secretary would then determine, on the basis of that report and other relevant information, which diseases, if any, have a positive association with exposure to agent orange. Such diseases would be compensated automatically.

This National Academy of Sciences review and subsequent mechanism for providing presumptions for diseases associated with exposure to agent orange have been the cornerstone of this legislation from the beginning. Though the actual language has been modified several times over the last few years, the basic procedure has remained intact. It is my sincere hope that this ongoing process will finally provide veterans the answers and treatment that have been denied them for so long.

The bill will also codify the Secretary's decisions granting presumptions of service connection for soft-tissue sarcoma and non-Hodgkin's lymphoma, two rare cancers that have been frequently associated with exposure to components of agent orange. This legislation is necessary to lock in these benefits permanently.

S. 238 also expands compensation standards for chloracne to cover chloracne that manifests itself within one year of a veteran's last date of service. Currently VA compensation has been extended to chloracne victims whose chloracne manifested itself within 3 months of service.

The bill also extends veterans' eligibility for free medical care based on agent orange or radiation exposure through December 31, 1993. Since the statutory mandate for this eligiblity expired on December 30, 1990, this provision is essential to ensuring that veterans receive agent orange and radiation-related treatment.

S. 238 also includes several provisions intended to facilitate further scientific research through VA medical records analysis, a tissue archive, pilot studies, and voluntary blood testing. In the interest of time, I ask that a summary of the full provisions of S. 238 be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DASCHLE. Enactment of this legislation is long overdue. It is ironic that as we are finally dealing with this issue as there are men and women facing the threat of chemical and biological warfare in the Persian Gulf. Veterans of the Vietnam war have waited over 20 years for a meaningful response to the complex issues surrounding their hidden wounds. I can only hope that if veterans of the war with Iraq suffer their own hidden wounds, they will not have to endure that same fate.

There could be no better way to demonstrate our commitment to our future veterans than to fulfill our continuing commitment to our current veterans. That means providing health care to all veterans who were promised it. That means treating the psychological wounds of war. And that means passing this agent orange bill today.

In the time I have I cannot name all the people who have played important roles in the development of this bill. As I mentioned earlier, Senator JOHN KERRY and Representative LANE EVANS, and David McKean and Lori Becker of their staffs, have been fighting for this legislation since its inception 4 years ago and have been longtime advocates for their fellow veterans since they came to Congress. There are several other people without whom we simply would not be here today.

First, the chairman of the Veterans' Affairs Committee, Senator ALAN CRANSTON, has been a tireless worker on behalf of this legislation. He and his staff—especially Ed Scott, Bill Brew, and Michael Cogan—have been absolutely essential to the development of this bill and have helped steer it through the stormy negotiations and the parliamentary obstacles. They are especially responsible for the success of the most recent negotiations with the House Veterans' Affairs Committee. I sincerely regret that the distinguished chairman of the committee is unable to be on the floor today, and I wish him a rapid recovery and return to the Senate. He deserves an enormous amount of credit for making this landmark legislation possible.

Also, I want to thank the majority leader for the support he and his staff have provided throughout this process. The majority leader, who has been a cosponsor of this legislation since its early stages, has consistently pushed for timely consideration of this issue and included and included agent orange provisions as part of his first bill in the 102d Congress, S. 1. Our consideration of S. 238 today, in the first weeks of the session, is further testament to his leadership.

S. 238 reflects a compromise that attempts to address some of the very complex and controversial issues surrounding the agent orange debate. I want to thank the chairman of the House Veterans' Affairs Committee, Representative SONNY MONTGOMERY, for his willingness to work with us to resolve these issues. Several other of my former House colleagues also played key roles, including Representatives DOUG APPLEGATE, DAVID BONIOR, and MARTIN LANCASTER. I also want to note the excellent work of Representative TED WEISS, who has held important agent orange-related hearings in his subcommittee of the House Government Operations Committee.

So also must we thank members of the Senate Veterans' Affairs Committee, including the distinguished Senator from Wyoming, for their cooperation.

There are many other Senators and House Members on both sides of the aisle who have been key players in the struggle for just compensation for Vietnam veterans. That list includes virtually all of the members of the Vietnam-era Veterans in Congress Caucus.

The work of two other people is especially notable. First, Secretary of Veterans Affairs Ed Derwinski has brought an open mind of the agent orange debate, and that is something that has been missing from the VA for a long time. His willingness to listen to veterans, to reexamine the scientific evidence, and to give veterans the benefit of the doubt has been crucial to the effort to redefine the Federal Government's response to the agent orange problem.

Secretary Derwinski is also responsible for bringing into this process another man who has played a pivotal role in the development of a policy that reflects both the state of the science and the human element of agent orange victims' plight. Adm. Elmo R. Zumwalt, Jr., has volunteered his time, intellect, and sensitivity to facing the challenges posed by agent orange. The contributions that he, his late son, Elmo, and his entire family have made to this process are invaluable.

Finally, it is important to note the effort to enact this legislation that came from scientists and veterans organizations who helped ensure that the legislation would fulfill its intended purpose. There have been many scientists who, through their advice and their research, have played a crucial role in the development of this bill. Also, various veterans organizations have supported this bill and kept the pressure on the Federal Government to respond to the legitimate needs of agent orange victims.

As we consider S. 238 today, I feel compelled to point out the special contributions of two special veterans organizations that have been steadfast in their support of this legislation: the American Legion and Vietnam Veterans of America. During the legislative process, people invariably learn who their friends truly are. Every veteran should know that they have true friends in these two organizations.

Vietnam Veterans of America has been a leader in the agent orange effort from the beginning. Both Mary Stout, VVA's president, and Paul Egan, VVA's legislative director, have spoken with strong, clear voices about the need to confront this issue. They have been with me every step of the way, and they have provided agent orange victims crucial support through their direct service operation, their landmark lawsuit that led to the recent service connection of soft-tissue sarcoma and non-Hodgkin's lymphoma, and their effective legislative efforts. Everyone at VVA deserves credit for their role in developing this bill.

The American Legion has consistently demonstrated its longstanding commitment to resolving the agent orange dilemma since the very first stages of this debate. In addition to being a vocal advocate for veterans exposed to agent orange, the Legion has been a welcome ally in developing a reasonable legislative response to the problem. Beyond their work in the legislative arena, the people of the American Legion have demonstrated their commitment to the cause by commissioning a study of the potential health effects of agent orange in cooperation with Columbia University. I want to thank everyone at the American Legion, especially National Commander Robert S. Turner; Phil Riggin; John Sommer, John Hanson; and Dick Christian.

Before I elaborate on the specific provisions of S. 238, I want to put those provisions in the context of the underlying philosophy of this legislation. Since the beginning stages of this bill's development in 1987, its purpose has been to afford veterans exposed to agent orange and other herbicides in Vietnam the benefit of the doubt with respect to their service-connected disability claims.

Current Department of Veterans Affairs policy is that when there is reasonable doubt as to whether or not a veteran's disability is service-connected, the benefit of that doubt is re-

solved in favor of the veteran, and the disability claim is granted. In this process, a veteran does not have to prove that his or her disability was caused by military service or a particular aspect of that service. This is clear from the precedent set by over 50 presumptive disabilities in the VA system, including spastic colon in POW's, cardiac disease in amputees, and several diseases associated with exposure to radiation. It is also clear from Public Law 98-542, the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, and from the procedures established in S. 238 that proof of a causal relationship between exposure and disease is not required for disability compensation purposes.

Within that framework, I would like to take a few minutes to outline the history behind, and specific provisions of, S. 238.

BACKGROUND

S. 238 reflects a compromise agreed to by the lead authors of the agent orange legislation passed in the Senate in the 101st Congress and members of the House Veterans' Affairs Committee. The compromise was derived primarily from four bills in the 101st Congress: S. 1153, which passed the Senate on August 3, 1989; substantially identical provisions in S. 13/H.R. 901, which passed the Senate on October 3, 1989; substantially similar provisions in S. 2100, which was blocked in the final days of the 101st Congress; and substantially similar provisions in H.R. 5326—derived from H.R. 3004—which passed the House of Representatives on October 15, 1990.

Although the House and the Senate passed almost identical agent orange provisions in the 101st Congress, opponents of S. 1153 and the provisions in H.R. 5326 were successful in their efforts to prevent enactment of the legislation by not allowing either House to take final action on agent orange provisions passed by the other House. Specifically, the House failed to act on either of the Senate-passed bills containing agent orange provisions—S. 1153 and S. 13—and Senate opponents blocked consideration of both the House-passed bill containing the agent orange provisions (H.R. 5326) and the Senate Veterans' Affairs Committee-reported compensation COLA bill that included similar provisions. These parliamentary tactics created the extraordinary situation that effectively blocked enactment of legislation that has passed both Houses of Congress.

Although negotiations to break the October 1990 impasse were attempted, they were not successful. Additional negotiations were pursued immediately following the close of the 101st Congress. S. 238 and its companion in the House, H.R. 556, are the result of those negotiations.

SECTION 1

Section 1 designates the act as the "Agent Orange Act of 1991."

SECTION 2

Section 2 establishes permanent presumptions of service connection for non-Hodgkin's lymphoma and soft-tissue sarcoma, excluding osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma, in Vietnam veterans. This provision has the effect of codifying decisions the Secretary of Veterans Affairs made in 1990 to compensate veterans suffering from these two rare cancers.

Section 2 also expands the presumption of service connection for chloracne in Vietnam veterans to cover chloracne that becomes manifest within one year after a veteran's last date of service in Vietnam.

Finally, section 2 establishes a presumption of service connection for any disease the Secretary determines, based on sound scientific and medical evidence, has a positive association with exposure to agent orange or other herbicides used in Vietnam. In making these determinations, the Secretary is required to take into account reports received from the National Academy of Sciences pursuant to section 3 of the bill. Also, for the purposes of disability compensation, section 2 codifies the existing regulatory presumption of exposure to agent orange and other herbicides used in Vietnam for all Vietnam veterans.

SECTION 3

Section 3 requires the Secretary of Veterans Affairs to seek to enter into a contract with the National Academy of Sciences to perform a review of the scientific evidence related to the possible health effects of exposure of agent orange and other herbicides used in Vietnam. The section outlines some of the information Congress expects the National Academy of Sciences [NAS] to include in its reports. The first NAS report would be submitted 18 months after the date of enactment, and five subsequent reports would be issued at 2-year intervals.

The language relating to the National Academy of Sciences [NAS] is the language that, at first glance, would appear to have changed the most in this compromise legislation. However, most of the changes in this section were intended not to alter the nature of the proposed NAS involvement, but to streamline the language. Exclusion of language requesting specific information is not intended to suggest that the Congress is seeking less, or even different, information from the NAS. In fact, as the colloquy between the floor manager and myself will clarify, most of the excluded language was left out because it was deemed self-evident or unnecessary in light of the NAS's commitment to include the information in its reports.

SECTION 4

Section 4 expands current VA outreach services by requiring the Secretary of Veterans Affairs to furnish annual updates on Agent Orange-related information to affected veterans.

SECTION 5

Section 5 extends eligibility for free health care based on exposure to agent orange or ionizing radiation through December 31, 1993.

SECTION 6

Section 6 requires the Secretary of Veterans Affairs to compile, analyze, and report, on a continuing basis, clinical data from the health records of veterans examined or treated for disabilities related to: dioxin or other toxic agents in herbicides; or Vietnam service. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she 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."

SECTION 7

Section 7 requires the Secretary of Veterans Affairs to establish a tissue archiving system of voluntarily contributed blood and tissue samples to facilitate further research. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she 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."

SECTION 8

Section 8 requires the Secretary of Veterans Affairs to establish a program of appropriate independent pilot studies to facilitate future scientific research on Vietnam service-related disabilities. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she 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."

SECTION 9

Section 9 requires the Secretary of Veterans Affairs to fund voluntary testing of veterans' blood to ascertain the level of 2,3,7,8 TCDD that may be present in the veterans' bodies. The Secretary must notify the individual veterans of the test results, giving great weight to the National Academy of Sciences' recommendations regarding such notification. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she 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."

The National Academy of Sciences would include in its report an evaluation of the significance, if any, of the results of such blood tests taken so many years after veterans' potential exposure. This is a very complicated issue, which needs to be clarified. It is my understanding, based on information from scientific experts in the dioxin field, that levels of 2,3,7,8 TCDD, or doxin, measured in the blood decades after exposure must be viewed with caution. That caution is based on the as yet unknown half-life of dioxin, the effects of weight loss or gain on dioxin body burden, and other variables. These factors make reliance on blood tests to determine actual exposure levels at the time of exposure virtually impossible, and this situation is exacerbated by the fact that TCDD levels in Vietnam veterans are decreasing as time passes.

While blood test apparently can prove that a veteran was exposed to elevated levels of dioxin, they apparently cannot prove that a veteran was not exposed to elevated levels. For example, if a veterans' TCDD blood level registers at 350 parts per trillion 20 year after service in Vietnam, and that veteran was not exposed to dioxin at such levels in any environment other than Vietnam, scientists can reasonably conclude that that veteran was exposed to significant dioxin levels in Vietnam. However, if a veterans' TCDD blood level falls within the range most scientists consider background level, it is virtually impossible, given the current state of the science, to determine whether the veteran is within that background level because the veteran has always been within that level—that is, was not exposed significantly in Vietnam—or was exposed to a significant level of dioxin 20 years ago that, due to its half-life, is no longer detectable.

I should note, too, that even the definition of "background level" for human dioxin body burden is uncertain at this point. Various experts cite the maximum background level—the level we could reasonably expect to find in the average American who does not work in a chemical plant or paper mill and is exposed to relatively small levels of dioxin through everyday activity—at various points ranging anywhere from 3 to 20 parts per trillion. So, there is still much to be learned about the significance of TCDD blood levels, and that is one issue we hope the academy and future scientific studies will address.

SECTION 10

Section 10 has the effect of terminating the Department of Veterans Affairs' Advisory Committee on Environmental Hazards' responsibilities with respect to ongoing review of the scientific evidence related to the potential health effects of exposure to agent orange or other herbicides used in Vietnam. To allow the Advisory Committee and the Secretary to conclude their current activities in accordance with the Court's decision in the case of Nehmer versus Department of Veterans Affairs, section 10 takes effect 6 months after the date of enactment—or earlier if the Secretary determines that the Advisory Committee's responsibilities pursuant to Nehmer have been met. For further information on the intent of this section, please refer to the "Explanatory Statement on the Agent Orange Act of 1991" submitted by the distinguished chairman of the committee, Senator CRANSTON and the colloquy on this issue between the manager of the bill, Senator DECONCINI, and myself.

Again, Mr. President, I want to thank everyone involved in this effort. I am extremely pleased that we are finally sending this bill to the President and that veterans will begin to receive these long overdue benefits.

I yield the floor.

EXHIBIT 1

SUMMARY: AGENT ORANGE ACT OF 1991

The Agent Orange Act of 1991 would establish a permanent presumption of service connection for soft-tissue sarcoma and non-Hodgkin's lymphoma in Vietnam veterans (this would codify the Secretary of Veterans Affairs' decisions made in 1989).

The bill would also establish a permanent presumption of service connection for chloracne in Vietnam veterans whose chloracne became manifest within one year of their service in Vietnam.

The legislation would provide a mechanism under which the Secretary of Veterans Affairs must determine, based largely on bienniel independent scientific reviews covering all relevant evidence, whether permanent disability benefits should be given to veterans suffering any other diseases that may be associated with exposure to Agent Orange or other herbicide agents used in Vietnam. The organization conducting the reviews would be the National Academy of Sciences (NAS) unless NAS declines the contract. In making his determinations, the Secretary must provide a presumption of service connection for diseases that have a positive association with exposure.

The bill would extend veterans' eligibility for free medical care based on Agent Orange or ionizing radiation exposure through December 31, 1993.

The Secretary of Veterans Affairs would also be required to do the following unless he determines, taking into consideration recommendations received from the National Academy of Sciences, that these actions would not be feasible or cost-effective or "would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure."

Gather, analyze, and report, on a continuing basis, clinical data from the health records of veterans examined or treated for disabilities related to (1) dioxin or other toxic agents in herbicides; or (2) Vietnam service;

Establish a tissue archiving system of voluntarily contributed blood and tissue samples to facilitate future research;

Fund appropriate independent pilot studies to facilitate future scientific research on Vietnam service-related disabilities; and

Fund voluntary testing of veterans' blood (appropriations are limited to $4 million per year).

The legislation would make technical changes regarding VA outreach services related to Agent Orange.

Mr. DASCHLE. Mr. President, I have a number of issues that I would like to discuss with the very able floor manager and ranking Democratic member of the Veterans' Affairs Committee, Mr. DECONCINI, who, as he has noted, is acting on behalf of the Veterans' Affairs Committee chairman, Mr. CRANSTON, who is in California recouperating from treatment for cancer and is unable to be here today.

First, Mr. President, the Secretary of Veterans Affairs is obligated under Public Law 96-151 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 orange. 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.)). I would like to ask what impact, if any, this legislation has on that issue?

Mr. DECONCINI. Mr. President, as far as I am aware, this legislation has no such impact and no such impact is intended. The provisions in section 3 of this legislation relating to recommendations of the National Academy of Sciences for additional scientific studies and in section 8 relating to the feasibility of conducting additional scientific research do not amend or repeal Public Law 96-151. The requirements in this legislation are in addition to, and independent of, the requirements of Public Law 96-151. Thus, I cannot see how this legislation can affect the merits of that lawsuit in any way.

Mr. DASCHLE. Mr. President, I thank the distinguished floor manager. I share his views on this issue and note that this legislation does not include in the section, 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 202 of S. 2100 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 diseases associated with exposure to herbicides during service in Vietnam.

I was agreeable to omitting 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 law, based on exposure during military service to herbicides. Does the distinguished floor manager agree?

Mr. DECONCINI. Mr. President, for the reasons stated by the author of this bill, I agree completely with his conclusion that the inclusion of that finding is not necessary. Congress clearly does not—and I strongly believe should not—use the high standard of proof required for a scientific conclusion of causation in deciding whether to establish presumptions of service connection. To do so would place the heavy burden of scientific uncertainty totally upon the veteran and that would be inconsistent with the approach that Congress has followed in creating presumptions of service connection and providing for the creation of presumptions.

Mr. DASCHLE. Mr. President, section 202(b) of S. 2100 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 Senate bill, 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 in section 3 of the bill for 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" be considered to be just as broad. In my view section 3 requires the review of scientific studies of the association between exposure of animals to an herbicide agent and the occurrence of a disease in animals to the extent that such studies are relevant to the question of association between human exposure and disease.

Likewise, it is my intention that the requirements, in section 2, 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 include the consideration of animal studies that bear on the issues related to human exposure.

Does the very able floor manager share these views?

Mr. DECONCINI. Mr. President, I fully agree. Animal studies definitely come within the ambit of "scientific" data and, if relevant and probative, should certainly be considered. I would also note the language in section 3(a) stating that it is the purpose of section 3 to provide for a review and evaluation of "the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides." 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 their duties properly, the Secretary and NAS must consider relevant scientific studies regarding the effects of herbicide exposure on animals.

Mr. DASCHLE. Mr. President, section 2 of the pending measure requires the Secretary, in evaluating studies on the effects of dioxin, to "take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review." I want to make clear that it is not my intention that, in making determinations under section 2 of the legislation, 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 the studies included as part of the information and analyses upon which his determinations must be based.

Is that also the distinguished floor manager's view?

Mr. DECONCINI. Mr. President, that is indeed my view, and I believe the language of that provision is quite clear that those three factors are to be taken into account by the Secretary in deciding how much weight to give particular studies.

Mr. DASCHLE. 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.

It is my understanding that the Secretary's determination that a particular disease does not warrant a presumption of service connection would be subject to judicial review. For example, the Secretary's published determination that a presumption of service connection is not warranted for a particular disease clearly seems to be a "statement of general policy * * * formulated and adopted by the agency" within the meaning of the Freedom of Information Act, 5 U.S.C. 552(a)(1). Such statements of general agency policy are subject to judicial review under the Veterans Judicial Review Act.

What is the distinguished floor manager's view on this issue?

Mr. DECONCINI. I agree that such a determination would be reviewable in court.

Mr. DASCHLE. Mr. President, the previous agent orange legislation, S. 2100, contained language specifying that the National Academy of Sciences should review scientific evidence related 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 did not intend to exclude these or any other diseases from the academy's consideration. Is it the understanding of the manager of the bill that the health effects to be reviewed by the academy include the effects I have just mentioned?

Mr. DECONCINI. Mr. President, that is definitely my understanding. I also note that I expect the academy to 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 the bill: Osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma. The exclusion of these diseases from the presumption is not intended to suggest that they should be excluded from the scientific review.

Mr. DASCHLE. I agree. These are diseases about which we have little information at this time, and any informa-

tion on them that the academy can provide would be helpful.

Finally, Mr. President, section 9 would establish a voluntary blood testing program to be implemented by the Secretary unless the Secretary, after receiving recommendations from the National Academy of Sciences, determines 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 to further scientific research efforts, not to affect either an individual veterans' 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. Is that also the manager's view?

Mr. DECONCINI. Mr. President, that is my view. In fact, 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 in achieving research goals.

Mr. DASCHLE. Mr. President, section 10 of the bill brings to an end the responsibilities of the VA Advisory Committee on Environmental Hazards with respect to exposure to dioxin, which were created by Public Law 98-542. Section 10 would take effect six months after the date of enactment or upon the Secretary's determination that the advisory committee has completed its responsibilities under Public Law 98-542 and the final order in *Nehmer* v. *Department of Veterans Affairs*, Civ. No. C-86-6160 (N.D. Calif.), whichever occurs first.

This delay in the effective date is intended to allow an orderly completion of the rulemaking proceedings required by Public Law 98-542. In setting this delayed date, I and the other sponsors of the legislation relied on VA representations that by the end of May 1991, the advisory committee will have completed its deliberations and made its recommendations to the Secretary concerning the remaining diseases alleged to be associated with exposure to dioxin.

Public Law 98-542 and the court orders in Nehmer require that, if the recommendations of the advisory committee, the studies and analyses it reviewed, and any other pertinent scientific information provide a basis for a presumption of service connection for certain diseases, the Secretary immediately would consider the promulgation of regulations establishing the presumption. The bill keeps that process intact by allowing a period to complete the rulemaking procedure required by Public Law 98-542. Thus, the Secretary may establish presumptions for diseases immediately after the advisory committee makes it recommendations.

On the other hand, under the pending legislation, the first report of the National Academy of Sciences will provide the Secretary with additional information upon which to add or subtract diseases from the list of those that are presumptively service connected.

Does the manager agree with that assessment?

Mr. DECONCINI. Yes, that is absolutely correct.

Mr. DASCHLE. I would like to clarify a related issue.

I and the other bill sponsors are aware that the Secretary is required by the Nehmer decision to adjudicate pending agent orange claims and readjudicate certain agent orange claims that VA previously had denied, based on regulations the Secretary promulgates in accordance with the court decision.

By providing for orderly completion of the rulemaking required by Nehmer, this legislation allows the Secretary to adjudicate these claims in a manner consistent with section 3007(b) of title 38 of the United States Code, which gives the benefit of the doubt to VA claimants. We expect the Secretary to grant benefits to those who prevail under the regulations ultimately promulgated by the Secretary.

As to those who do not prevail under those regulations, I believe that the Secretary has the authority under title 38 to delay the final resolution of their claims until the Secretary obtains the additional information that the National Academy of Sciences will provide under section 3 of this legislation.

I would encourage the Secretary to delay final resolution of these otherwise unsuccessful claims at least until the Secretary receives the first NAS report and makes the determinations required by section 2 of the bill.

Does the floor manager agree with this assessment?

Mr. DECONCINI. Yes, I understand the situation exactly as the author of the bill has described it and join him in encouraging the Secretary to handle pending disability claims in the manner he has just described.

Mr. DASCHLE. I thank the Senator from Arizona.

Mr. DECONCINI. Mr. President, I regret that I agreed that the distinguished minority assistant would have the next time as far as I was concerned, and then I would yield 3 minutes to the Senator from Massachusetts as soon as he is finished.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would inquire if the Senator from Massachusetts is seeking only 3 minutes.

Mr. DECONCINI. No; he wants more than that. So the Senator can go ahead.

Mr. SIMPSON. That is appropriate. I appreciate the courtesy of the Senator from Massachusetts, the Senator from Arizona, and the Senator from South Dakota also. It has been kind of a tough struggle on this one, and all of us have the best of motives.

I have worked with the Senator from South Dakota and the Senator from Massachusetts on some veterans' issues. I remember once the Senator from Massachusetts and I jumped off a cliff together in a freefall on one issue. I think there were six votes on our side of the issue. He had committed to that vote. I always appreciated that remarkable support from him on what was a very tough issue at that time.

So I am going to support the agent orange study legislation now before us. The road to this point, as we all know who are here, has been very long and very hard. What is before us today is the compromise hammered out over the course of several months.

It is not exactly what any of us would have wanted, but it reflects the kind of give and take and balancing that we must do if we are to be responsible legislators. There is no other way to legislate but giving up, learning how to take a crumb when you cannot get a loaf, and learning to compromise an issue without compromising ourselves. I think we have done that.

I want to be quite clear at the outset that this bill is not necessary in order to achieve justice or fair treatment for Vietnam veterans exposed to agent orange. I want that clearly heard. Some have tried to portray it over the years as some long-sought end to a titanic and laborious battle for justice and for compensation for diseases which have occurred as a result of exposure to agent orange. It is not, though some have sought to obtain glory and gain in that attempt at definition.

This bill is absolutely unnecessary in order to achieve that end. The bill legislatively establishes presumptions of service connections for veterans exposed to agent orange for three conditions: chloracne, non-Hodgkin's lymphoma, and soft-tissue sarcomas.

Those presumptions have already been recognized and granted to veterans of the United States by the Secretary of Veterans Affairs—please, do not anyone miss that. It is not at all imperative that we take this action legislatively. It apparently—yes I think some of it came from a distrust of the Secretary of Veterans Affairs, when he had already done this administratively and performed this act, and the deed is done. We are simply following it up now with legislation, unnecessarily so, but that is the way it works in this instance.

But I believe it is very important for everyone to understand that. It is not

always easy to understand things with veterans' issues. The word "veteran" comes up in this Chamber, and you just get out of the way.

I am a veteran. I have said that many times. I served 2 years in the Army of Occupation in Germany, and was very proud to be part of an armored infantry, "Hell on Wheels," 2d Armoured Division Infantry Battalion and Company.

So I have seen how this goes. But that is the way it is with veterans' issues. I, too, have received tremendous support from the Vietnam Veterans of America's Mary Stout, a splendid lady, the VFW—I am a lifetime member of the VFW; a member of the American Legion; AMVETS. My distinguished colleague from South Dakota is a distinguished veteran. Our friend from Massachusetts served in combat in the Vietnam war with distinction; highly honored distinction.

So we all are for veterans. There is not any issue about that. It is too bad it sometimes comes up like that in the debate: You are either for veterans or you are against veterans; you are not for this bill or that bill. And that is all trash, real trash.

This bill also mandates yet another study of the massive scientific literature already compiled regarding exposure to herbicide agents used in Vietnam, and the connection between that exposure and diseases in human beings.

Although it seems to be quite unlikely that any new literature review will reveal any new information—we spent $88 million in this area already—that it will reveal any new information or will provide any evidence that we do not already have, I have determined to support the bill, and I cosponsor it with my friend from South Dakota because it includes important safeguards. Finally, it once again reiterates congressional intent that service connection be given for diseases only when there is a causal relationship between the exposure and the disease, and when there is sound medical and scientific evidence to back it up.

That was exactly what was said by our majority leader when he began his remarks this morning: sound medical and scientific evidence. That is all I have ever asked for. We should not pass bills based on frustration or pressure from veterans groups. They do a beautiful job of that. This is a classic: Just pressure, pressure, pressure.

But if anyone really wants to know the results of what dioxin does, remember that hundreds and hundreds of lawyers finally settled a case because they knew they could not prove their case.

That is a pretty good test of things in real-life America, when the lawyers give up and finally settle on a pool of so many millions of dollars because they knew they could not ever get it done. So they are taking their fees and their clients' portion out of that pool.

Now, we have another study that just came out that dioxin is wholly overrated as being a carcinogen, even at extremely high exposures. What we assumed to have happened years ago did not prove to be so, and yet here we go again.

It is very important to resolve this and put the issue behind us. That is why I am supporting this. Because in structuring the literature review, we have told the National Academy of Sciences, the NAS, that it should determine, with respect to each disease that it studies, whether statistical association with herbicide exposure exists; if there is an increased risk of the disease among those exposed to herbicides during service in Vietnam; and whether there is evidence of a causal relationship between herbicide exposure and the disease.

Veterans who suffer disease or injury because of their service deserve to be compensated for that injury or disease. And that fact is a given.

But surely there must be a valid medical and scientific basis for determining that conditions of service caused or may have caused the disease, and that is what we are saying in this bill clearly and for all to understand.

At some point we must look at all the evidence that has been collected to date, and we must recognize honestly what it tells us.

I am not a scientist, but I have followed this issue for years. What I have seen is study after study after study failing to substantiate a connection between exposure to agent orange and disease.

The Ranch Hand study of 1,285 American Air Force personnel is the one that really tears people up, because these are the people who threw the stuff out of the aircraft. They bathed in it every day. It was in the airstream when they took it out of the drums and tossed it out over the foliage. That is who they were and they were studied as a cohort—Operation Ranch Hand. It is still ongoing, studying the health effects on people who actually were charged with handling the agent orange and throwing it out of aircraft, spraying it, opening the containers, and it has shown us that in that group there is no increased risk of cancer.

The Centers for Disease Control has also completed its selected cancers study, and it showed no evidence of a connection between exposure to agent orange and the cancers studied.

The selected cancers study showed an increased risk of non-Hodgkin's lymphoma among Vietnam veterans, but the risk was not attributable to exposure to agent orange.

Another study has been completed by the National Institute for Occupational Safety and Health, which shows the dangers of dioxin exposure may have been overestimated.

The NIOSH study of the health records of 5,000 chemical workers over 40 years found only a slightly increased risk of cancer among the 1,500 workers who have exposure levels of 500 times the norm.

Finally, one has to wonder how many more studies we will have to do before we are able to put this issue behind us and accept what science is telling us, unless we like to continue to hype the issue. You are never going to satisfy some of the veterans groups, ever. They are insatiable in some of their demands.

It almost seems as if every study which tends to show that dioxin might not be responsible for the diseases it was once suspected of causing only fuels the ire and frustration of those who feel it must be responsible—frustrating, anguishing anti-administration talk then comes. And, of course, there is the tragic case of Admiral Zumwalt's son, Elmo, who died a hideous death of cancer. Many sons do that. That is really a terrifying, hideous fact of life. Admiral Zumwalt is a marvelous spokesman for his cause, but we must not permit anecdotal incidents based on the experiences of one human being to dictate and direct public policy. He has my deepest sympathy but we must consider all exposed veterans. We must do scientific studies and pursue them carefully—ever more carefully.

Perhaps the results of the literature review mandated by this bill will at least put the issue to rest. That is my earnest and fond hope.

The bill also makes modifications to several programs that the legislation under consideration last year would have simply mandated.

Clinical data collection, tissue archiving, blood testing, and a scientific research feasibility studies program would all be authorized, contingent upon the availability of funding and the finding of the Secretary that it would be feasible and cost-effective to undertake such activities. The National Academy of Sciences is to make recommendations in its reports regarding the scientific usefulness of such activities, and that recommendation would enter into the Secretary's decision.

Finally, this bill would eliminate the need to have the dioxin portion of the Veterans Advisory Committee on Environmental Hazards, as the need for that will be obviated by having the NAS complete the literature review.

The bill is far from perfect, but it does provide for an independent review of the evidence—something that should be a comfort to those veterans who feel that their concerns about possible harmful effects of exposure to agent orange have not been adequately addressed by the Government.

It also clearly states that Congress expects that any conclusions about an

association between exposure and diseases are to be based upon cause and effect, in other words, upon a valid and sound scientific and medical basis.

I am pleased to add my support to the measure and I do commend Senator DASCHLE of South Dakota, Senator KERRY of Massachusetts, and Senator DECONCINI for their consistent, real and very sincere approach to this issue down through the years.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts [Mr. KERRY].

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona for affording me time. I particularly thank the Senator from Wyoming for his comments. I do not know why, but I enjoyed jumping off that legislative cliff with him and I appreciate his memo of that event. It taught me a lot about the workings of this place.

The Senator from Wyoming is certainly one of the most able and best legislators here in this body. He understands the workings as well as anyone. I am delighted that he is supportive of this measure.

Before I comment on his comments, which I think are pertinent as to why it is in fact important that we codify what we are doing here even though it is somewhat in administrative form, I would also like to pay my respects and tribute to a few other people who are really deserving. One is Senator CRANSTON, who is not here. Senator CRANSTON for years has been in the forefront of the effort to guarantee that the special contract between veterans and their country is fulfilled. On this issue he has always been there with Senator DASCHLE and myself in an effort to try to help us. I am very appreciative for that fact and obviously wish him speedy recovery and return here to the Senate.

I also, as Senator DASCHLE did, thank the American Legion for joining with the Vietnam veterans and others whose leadership and intercession was important and it helped to make a difference particularly, I think, over in the House as this issue moved on. I think the Vietnam Veterans of America deserve very special credit for continued dedication to the issues that concerns Vietnam veterans. There is no other issue, or few others, of comparison. No other issue I think elicited as much emotional concern and continued consternation as the contradictions that have been evident between the promises that the Government has made and does make with respect to veterans, and the contradictions in the various studies, the willingness of Government to try to sort them out. I think this measure tries now to do that.

There is another tribute. Senator SIMPSON mentioned Admiral Zumwalt. Elmo Zumwalt, Jr., served in the same duty that I served in in Vietnam, and I read his book with great interest. One of the things he said in his book before he died was that he could not, to a certainty, say that the cause of his death was, in fact, the result of his exposure to agent orange because he could not go into a court of law and somehow prove it. But to a certainty in his soul and in his mind and body he felt it was. He believed it was, because of everything about his life, and when the change took place, the manner of change—because he bathed in the water, ate the food and so forth. That is part of the problem here.

That is why it is important that we codify this, because Elmo Zumwalt is not alone. There are countless numbers of veterans who have died since the war whose families are convinced they died as a consequence of their exposure and who believed as they died that they were doing so as a consequence of their exposure.

It is simply inadequate for us to allow the kind of bias that has pervaded the studies on both sides conceivably to remain as confused as it remains to so many veterans and so many families. So many people are left struggling with this issue.

So I applaud the Senator from Wyoming because I think this is sensible, I think this is a kind of compromise where people create an effort to get a nonpartisan, unbiased analysis of literature on this in order to try to ascertain it, but at the same time remember the contract with veterans and not to deprive those who live today with the needs of the benefits and services that they need in the meantime. I think that is most appropriate.

My final tribute with respect to this legislation—and you know there is no surprise about the outcome here today, Mr. President. We know this is going to pass. It passed the House overwhelmingly, and it has passed the Senate before, but there is a difference today. Today it is going to the President of the United States. Today it is going to become the law of the land and it is going to become the law of the land with a very important message I think, and I thank Senator DASCHLE.

That is my final tribute, because Senator DASCHLE has really seized the baton on this one and he has been relentless and persevering. I first met Senator DASCHLE when I had the privilege of going out to South Dakota campaigning, he was a Congressman running for the Senate, we went to visit a veterans' hospital, and I saw at that stage the link and relationship between TOM DASCHLE and the veteran community in his concern for this issue.

Since he has arrived in the Senate he has never relinquished that for a moment. He has been the organizer of meetings; he has helped push the Veterans' Committee on the House side, helped organize the legislative arguments and effort. I really think all veterans owe him an enormous debt of gratitude for his perseverence and commitment to this issue. I, personally, thank him for it.

Out of this legislation today I think comes a twofold message. We are saying to the veterans of Vietnam, a whole generation who answered the same call that the brave young men and women, who received an appropriate ovation and sense of gratitude yesterday, that they went off in the same attitude, with the same sense of commitment, with the same sacrifices, with the same devotions, and there were speeches made in the same way about support for them.

But the fact is that 20 years after they returned when the first appearances of this problem really began to manifest themselves, that over a 10-year period there has been a gap between the speeches and the making good on the promises that helped send them there, and everybody knows that. I think all of us are committed that that is not going to be repeated this time.

I think, while we are 2 weeks into a war, to now be able to pass this legislation, have the President sign it, and help in fulfilling that earlier promise is a way of making good on the current promise and saying to people that we are going to make good on it, and we are not going to repeat this same kind of problem.

So there is that twofold message to the last generation of veterans for whom this legislation is specifically directed and to the current generation for whom it is a message about the potential of chemicals and other uses in this particular war, and that the Congress and legislators are not going to forget that kind of responsibility. I think both of those, Mr. President, are extremely important messages for us to be sending.

Finally, I would say to my friend from Wyoming, this does need to be codified. It is appropriate we pass this into law. Just as a regulation is issued on one day, it could be withdrawn on another, it is appropriate that the Congress of the United States move to do what the Secretary did in response to what was a growing movement in the country. So I think that this will create a process by which future determinations with respect to the damage that may or may not have been done but with respect to other diseases will hopefully be resolved, and in the end we are all going to be winners for this.

So I think this is a very positive piece of legislation. I am delighted to have been associated with the Senator

from South Dakota in the effort to make it happen.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the majority leader be granted an additional 5 minutes on the bill.

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

Mr. DECONCINI. Mr. President, I yield 4 minutes to the distinguished junior Senator from Hawaii [Mr. AKAKA], who is also a member of the Veterans' Affairs Committee.

Mr. AKAKA. Mr. President, I rise in strong support of the pending legislation, S. 238, the Agent Orange Act of 1991, which was introduced by Senator TOM DASCHLE earlier this month. I am pleased to be an original cosponsor of this measure.

This legislation essentially does two things. First, it codifies the historic step taken 2 years ago by VA Secretary Derwinksi, who adminstratively granted presumptions of service-connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for Vietnam veterans. This courageous and humanitarian action came in the midst of a contentious debate over the validity of studies regarding the casual relationship between agent orange and these particular illnesses. This action did much to dispel VA's unfortunate image as an insensitive bureaucracy unwilling to give the benefit of the doubt to veterans.

Second, and perhaps more important in the long term, the Daschle bill establishes a systematic process which requires VA to determine whether other diseases should be presumed to be linked to a service member's exposure to agent orange or other herbicides used in the Vietnam war, thus making them eligible for a wide range of VA compensation and health care benefits.

VA's, or specifically the Secretary's, determinations are to be based in large part on a review conducted by the National Academy of Sciences of scientific information related to agent orange. That the NAS, one of our most respected scientific bodies, is in charge of the review should help dispel perceptions that Government-sponsored agent orange studies or reviews have been tainted by political considerations or technical shortcomings.

The Agent Orange Act of 1991 represents a grand compromise worked out among a number of key individuals, including Senators CRANSTON, MURKOWSKI, and Representatives MONTGOMERY, STUMP, and EVANS. The distinguished floor manager of the bill, Senator DECONCINI, and the new ranking minority member of the Senate Veterans' Affairs Committee, Senator SPECTER, also played important roles in the development of this legislation.

In addition, I must recognize the distinguished majority leader for according such high priority to this bill. In the final analysis, however, the greatest credit must go to my colleagues from South Dakota and Massachusetts, Senators DASCHLE and KERRY, who have long been the most outspoken proponents of agent orange reform. It is safe to say that we would not be at this important juncture if not for their dedicated advocacy.

Mr. President, in this compromise legislation, we now have an opportunity to put behind us one of the most troubling legacies of the war in Southeast Asia, a legacy that has called into question this country's basic commitment to care for those who served under arms, and which has embittered thousands of Vietnam veterans and their families.

As a nation, we are only now beginning to face up to our responsibilities to this lost generation, a generation that was unheralded in war and forgotten in peace. Let us begin to clear our debt to these veterans by unanimously adopting the pending measure. By doing so, we will also be sending a strong message to our men and women in the gulf that we intend to keep our promises to them as well.

Thank you, Mr. President. I yield the floor.

Mr. DECONCINI. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Mr. President, first of all I would like to thank Senator CRANSTON, whom I spoke with yesterday on the phone, and Senators KERRY and DASCHLE for their tremendous leadership. Second, I would like to thank Mary Stout of Vietnam Veterans of America. Without the perseverance of Vietnam Veterans of America this bill would not be before us today.

This bill is about the costs of war, which continue to take their toll long after the guns are silent. This bill is also about our common responsibility to compensate and support men and women who proudly served our country.

Mr. President, during my career in the U.S. Senate, there will be no vote that I will be more proud of than my vote for this piece of legislation today.

I also rise at this moment, Mr. President, to express my deep concern on the floor of the U.S. Senate that once again a protracted, and I fear bloody, ground war looms in our near future. The United States will achieve a military victory in the gulf, but the question is how and at what price.

Last night's statement by Secretary of State Baker and the Soviet Foreign Minister was a tremendously important statement. It was a statement by diplomats trying to find a diplomatic solution. Their statement said if Iraq would make a commitment to withdraw from Kuwait, then indeed we can have a cease-fire and that ultimately there can be a settlement of some of the most important issues in the Middle East.

An escalation to a ground war courts disaster, Mr. President. Saddam Hussein wants to shoot his way into immortality. We must not let him do that. He wants a ground war. He wants an opportunity to be a martyr. He wants the opportunity to bloody Americans and cause havoc.

Mr. President, I rise on the floor of the U.S. Senate to say today that we must not allow ourselves to become trapped in a deadly ground war. Before the United States takes this fateful step we must make every effort possible to develop and pursue alternatives.

I believe the proposal last night was a first important step. I thank the Secretary of State for that effort. And I urge our Government and our country to follow that step with others to make sure that we do not find ourselves in the quagmire of a long, costly ground war which will cause a terrible loss of life.

Thank you very much, Mr. President.

Mr. DECONCINI. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There are 2½ minutes remaining.

Mr. DECONCINI. Apparently there is no one else on this side of the aisle who wishes to talk, so we yield back our time.

Mr. SPECTER. There is no one on this side of the aisle who wishes to speak, so I yield back the remainder of time on this side of the aisle.

The PRESIDING OFFICER. All time has been yielded back.

Mr. CONRAD. Mr. President, I am proud to rise today as a cosponsor and strong supporter of S. 238, the Agent Orange Act of 1991.

I am particularly pleased to see such a successful compromise has been reached in this matter of compensation for agent orange related disabilities.

This legislation represents the solution to a very difficult and longstanding problem. For the over 20,000 Vietnam veterans in my State, and for the over 3 million Vietnam veterans around the country, this bill is a victory that has been long awaited.

S. 238 will classify as service-connected disabilities non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for veterans who served in Vietnam. This provision serves to codify a ruling that was made by Secretary of Veterans Affairs Derwinski in 1989.

The bill also provides for a more effective process of determining whether other diseases of Vietnam veterans are service-connected based on exposure to agent orange. The National Academy of Sciences will provide objective, scientific analysis of health problems suspected to be related to agent orange. The Academy will report its findings to the Secretary of Veterans Affairs, who

will make rulings based on this information.

The conflict against Iraq reminds us of our country's obligation to its veterans. The millions of men and women who have faithfully served our country over the years have done so with the knowledge that we will support them, both in combat and after they have come home. Now, it is all the more important that we reaffirm this commitment. The Agent Orange Act of 1991 is an important step in this direction. Its swift enactment will help ensure that veterans and their families receive the benefits that they so rightly deserve.

I want to specifically commend Senator DASCHLE for his leadership and effectiveness on this issue. We would not be here today without his persistence and perseverence. Thank you, Senator DASCHLE, for your hard work on this matter.

Mr. BIDEN. Mr. President, I am proud to be a cosponsor of the Agent Orange Act of 1991. And, I am pleased that Congress is finally prepared to begin to provide benefits to those men and women who were exposed to agent orange during their service in Southeast Asia.

During the recent debate on the Persian Gulf crisis, many Senators implored us to remember the lessons of Vietnam. If there is one lesson we should never forget, it is that we must make a distinction between the war and the warriors. Contempt for the Vietnam war too often, tragically, became contempt toward those who fought it.

When these men and women—alone and vulnerable—returned from the jungles of Vietnam to the heartland of America, Americans too often turned their backs on them. Too often, America made veterans a parody, instead of giving them a parade. Too often, America looked at those veterans with hatred, instead of with honor. Too often, America failed those veterans, instead of fulfilling her commitments to them. Americans wanted to forget the war. But, in the process, we forgot the valiant men and women who survived it.

The Federal Government is as guilty of this neglect as anyone. For too long now, we have ignored the problems of the men who were sent to battle in Southeast Asia and of the women who nursed them. For too long, we have forgotten the contributions of those who so bravely sacrificed their health and their lives. For too long, we have tried to placate the victims of agent orange with yet another study. Nearly two decades and a generation are enough.

With all due respect, another study would be just another way of saying: "We're working on it. We'll, get back to you." Well, we've worked on it, and the time to get back to our veterans is now.

There are those who say that the evidence is not conclusive. Let me say that I agree with them—those doubts are not baseless. But when there is inconclusive evidence, shouldn't the benefit of the doubt be given to our veterans? As long as there remains a possibility—if not a probability—that agent orange is a cause of cancer in many veterans, the benefit of the doubt should be given to those who were in the field; those who had to wear agent orange in their clothing; those who had to sleep with agent orange; those who had to eat food, drink water, and breathe air contaminated with agent orange.

This concept is not new. We have always given the benefit of the doubt to our veterans. Providing benefits to agent orange victims is not being overly generous. When there is inconclusive evidence, we have always been generous toward our veterans. This legislation is not treating Vietnam veterans differently. It is a guarantee that they will finally be treated the same.

The Agent Orange Act of 1991 is not as far reaching as it could be—or perhaps should be. But, at least we have reached the point where we have begun to do something. For the first time, it will be the law of the land that those who were exposed to agent orange and who suffer from three types of cancer—chloracne, non-Hodgkin's lymphoma, and soft-tissue sarcoma—are eligible for compensation from the very Government who dumped the agent orange on them in the first place.

With this bill, I believe that we have finally become sensitive to the pleas for help from the Vietnam veterans themselves, and from their families and loved ones—all of whom have been affected by agent orange. With this bill, we have finally begun to address effectively the problems caused by agent orange exposure. These veterans deserved much better than they have received.

When men and women are wearing the American uniform in combat abroad, it is not the time to forget the men and women who wore America's uniform in the past. Indeed, it is the perfect time to rectify the injustices from which they have suffered. We should do no less; we must do no less.

But let everyone know—especially those veterans who are still ailing from the conflict in Vietnam—that the Agent Orange Act of 1991 is not the end. It's the beginning. Passage of this legislation does not solve the problem or end the suffering. This Senator will continue to pursue the matter with equal vigor in the days ahead.

Mr. ADAMS. Mr. President, I rise today in support of H.R. 556, the Agent Orange Act of 1991. We all agree that war in the Persian Gulf is the most pressing issue facing our Nation today. However, while pursuing the war overseas we cannot forget domestic policy at home. Support and compensation for veterans of our Nation's past wars is a vital part of our domestic policy agenda.

Veterans know the horrors of war, and know that unity and burdensharing in the face of the enemy are imperatives for victory. By voting for H.R. 556, we can demonstrate that our unity is not only the consequence of an immediate threat to our national interest, but also a long-standing commitment to recognizing and rewarding the sacrifices our armed personnel have made, and will continue to make, in the name of their country.

As a nation, we have made every effort to maintain and enhance the alliance of forces presently united against Iraq. Our message to Saddam Hussein, and our commitment to the liberation of Kuwait, are unequivocal. As legislators, we must also demonstrate our unity today by voting to guarantee compensation to veterans who suffer as a result of exposure to agent orange.

Our message, which goes out not only to the Vietnam-era veterans so deserving of this legislation, but to future veterans now serving in the gulf, must be equally powerful: We are unwavering in our commitment and will continue to fulfill our debt to them long after they have returned from the battlefield.

As a strong supporter of veterans and veterans' causes, I was distressed by the failure of the 101st Congress to pass the bill containing provisions for agent orange compensation and a cost-of-living allowance increase for disabled veterans. Last week, Congress rectified the COLA situation with the passage of H.R. 3, the veterans compensation amendments. It is now time to provide the care and appropriate compensation that veterans exposed to agent orange have so long deserved.

During the Vietnam war, United States forces sprayed approximately 20 million gallons of herbicides in South Vietnam. This practice left a legacy of over 36,000 exposure-disabled veterans, plagued with extensive tissue damage and degenerative diseases such as non-Hodgkin's lymphoma and soft-tissue sarcoma. Although the Department of Veterans' Affairs [VA] decided last year to establish non-Hodgkin's lymphoma as a service-connected disease eligible for disability compensation, legislation mandating this and similar changes has been hampered by partisan political maneuvering. The maneuvering is about to end. Vietnam veterans must finally get the recognition and care they deserve.

H.R. 556 will establish a permanent presumption of service connection for veterans with non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne whose symptoms became apparent within 1 year after service in Vietnam. The bill would also require the Secretary of Veterans' Affairs to establish a presumption of service connection for other diseases found to

have a positive association with exposure to agent orange or other herbicides used in Vietnam. These decisions would be based on impartial data provided by the National Academy of Sciences and all other scientific information available to the Secretary. Though budgetary constraints dictate belt tightening on all levels of government, the estimated $49 million cost of programs authorized by H.R. 556 is certainly no less than these veterans deserve.

Vietnam veterans suffering from various ailments associated with agent orange exposure should be given the benefit of the doubt in determining the cause of their ailment. For too long our society has too often shunned the Vietnam veteran. Now is the time to prove that the Federal Government can sustain long-term support for U.S. service personnel. Where support for our troops in the gulf is concerned, there are no Democrats or Republicans, only Americans. Likewise, when we vote on H.R. 556, we must put partisan politics aside and express our unified support and appreciation for Vietnam veterans exposed to agent orange. My vote will express that sentiment for all of our Nation's veterans, and particularly the 1,400 Washington State veterans, currently suffering from agent orange related diseases. With passage of this bill, we can provide our veterans the treatment—and compensation—they deserve.

I ask unanimous consent that the attached letter from a Washington State veteran about the importance of compensation for veterans exposed to agent orange be printed in the RECORD.

SEPTEMBER 5, 1990.

DEAR SENATOR ADAMS:

Enclosed you will find a copy of a poem published in Blue Horizons July 1990.

I vote, I pay taxes, I served in the military for over 28 years.

And I think it is tragic that my country would treat an American casualty of our chemical warfare so poorly.

Personally, I would prefer higher taxes and honorable treatment for agent orange victims if that is what it takes.

Everything I have ever read makes me think that the Agent Orange question has been ignored and people like Ron Rose have suffered unnecessarily because of it.

Please do something!

WILLIAM D. HURD,
Seabeck, WA.

Mr. McCAIN. Mr. President, I strongly support, and am pleased to be a cosponsor of S. 238, the Agent Orange Act of 1991. This long overdue legislation will finally give our Vietnam veterans the answers they so desperately need regarding their exposure to herbicides during conflict.

I am pleased that the Senate is considering this bipartisan compromise today. Those who so nobly served our country and their families have been patient long enough. This should not be a political debate. They deserve answers. They deserve action.

First, I want to thank Secretary Derwinski for all his efforts on this subject. The Secretary first took action in this area in 1989. It is due in great part to the work of Secretary Derwinski and his staff that we are here on the floor today.

The Agent Orange Act of 1991 will do a number of things. First, it will establish, by law, a permanent presumption of service connection for soft-tissue sarcoma, non-Hodgkin's lymphoma, and chloracne that manifests itself within 1 year of service. These diseases have a direct linkage to agent orange from all that we know.

Second, S. 238 would mandate that a nonpartisan, independent scientific study be conducted to review all relevant evidence to determine whether any permanent disability benefits are due veterans suffering from other diseases that may be associated with exposure to agent orange or other herbicides used in Vietnam. Upon completion, the report would be given to the Secretary, who must determine within a specified timeframe whether to establish a presumption of service connection for other diseases.

Mr. President, I believe that this is a fair and equitable approach to deal with the controversy that surrounds agent orange. For too long, much too long, the Government's response to agent orange has been based on opinion, perhaps even politics, but certainly not on facts. We have an obligation to discern the facts from the rhetoric. Our Vietnam veterans served our Nation with dignity and honor. We cannot now leave them without answers.

Two weeks ago, this Senate—rightly I believe—pledged its enthusiastic support to our men and women in the gulf. Our Vietnam veterans did not enjoy this needed support for their actions. In the jungles of Southeast Asia, they fought an unpopular war at the behest of their country. They expected to come back to a supportive caring environment. They were not so lucky. For some, they have also had to endure severe medical hardships as a result of their experiences in Vietnam. In spite of the risks involved, they answered our country's call to fight. It is time we settled the controversy over agent orange once and for all.

The Agent Orange Act of 1991 is not a panacea. But it will answer important questions regarding health care and the effects of herbicides used in the Vietnam conflict. Most importantly, it will give explanations and provide help to those who most deserve it, those who served our Nation.

Mr. PRESSLER. Mr. President, I urge the passage of S. 238, the Agent Orange Act of 1991, which will provide scientific review of certain diseases of Vietnam veterans and their connection to agent orange exposure. I have long supported legislation to help veterans receive the best care our Nation can provide. This legislation, of which I am a cosponsor, will provide treatment to veterans in need. I would like to commend the efforts of Senators SIMPSON, MURKOWSKI, DASCHLE, and CRANSTON in developing this bipartisan compromise package.

This bill provides that veterans disabled by non-Hodgkins lymphoma, soft-issue sarcoma, or chloracne occurring within 1 year of leaving Vietnam, will be permanently presumed to have incurred that disease while on active duty.

By requiring the Department of Veterans Affairs [DVA] to enter into a contract with the National Academy of Sciences [NAS], the bill provides a mechanism for the DVA to add presumptions of service connection based on exposure to herbicides in Vietnam. The NAS would examine the evidence relating to herbicide exposure and advise the DVA of its conclusions.

Mr. President, I was exposed to agent orange while serving in the Army in Vietnam; but I was fortunate not to be affected by this exposure. Others were not so lucky. I have long supported legislation that would provide answers and treatment for veterans who have an illness associated with exposure to herbicides. I urge my colleagues to pass this measure.

Mr. DOLE. Mr. President, I rise today to support H.R. 556, the Agent Orange Act of 1991. This bill is a workable compromise of many different groups and many different opinions on the contentious issues involved in seeking a fair and equitable treatment for our Nation's veterans.

This legislation will give us an opportunity to reach an independent scientific conclusion on the effects of agent orange exposure. The National Academy of Sciences will study the evidence and provide the VA with its conclusion on the information, reports and studies that have been produced over the years. This legislation will establish the data base for blood and tissue research that will produce the information necessary to make a valid and substantiated conclusion on the long-term effects of agent orange exposure. Further, it will allow the VA to test any blood sample voluntarily provided by a veteran who seeks a priority eligibility for dioxin exposure.

But this bill goes farther than just another study. It will establish the regulatory framework for adding the results of this study to the VA service-connection disability compensation. The VA will finally have the flexibility and the authority to amend disability compensation in future years for diseases that may have been a direct result of agent orange exposure.

I am particularly pleased that this bill will codify the disability compensation for cancers that the center for disease control found a clear undisputed link to agent orange exposure.

This gives immediate help to those veterans in need or treatment today.

The Department of Veterans Affairs has been in the center of the agent orange controversy for many years. The issue has raged for these years with hard fought opinions, rhetoric and often accusations on all sides. I believe that this legislation gives us the opportunity to create an environment where we can dissipate the rhetoric and controversy and get on with everyones real goal.

The best possible care to those valiant Americans that answered when their Nation called, the veterans of the United States of America.

Mr. DURENBERGER. Mr. President, I am pleased to be a cosponsor of this very important piece of legislation. This bill will benefit U.S. servicemen affected by agent orange or other defoliants used in Vietnam, in that it makes it easier for servicemen to receive benefits for diseases, disabilities, or other ailments associated with agent orange.

It extends the priority eligibility for VA health care based on exposure to agent orange. And it requires the Veterans' Administration to take certain steps to provide Congress and those affected by agent orange with information about the effects of exposure.

Mr. President, veterans of Vietnam and their families have sacrificed much in their lives. And they have earned our appreciation and our thanks.

The people of the United States have a responsibility to provide for the care and well-being of those who have served us so well and so courageously. The brave men and women who have served in our Armed Forces and suffered disabling injuries or ailments resulting from exposure to these defoliants have earned the support that this bill provides.

When we pass this legislation, we not only fulfill an important part of our obligation to Vietnam veterans, but we send a clear and unmistakable message of support to the men and women now in Desert Storm: You are appreciated; you are loved; you have earned our gratitude; and we will take care of you when you return.

This is a great country Mr. President. And we owe much of that greatness to the veterans of the U.S. armed services who have put themselves unselfishly in harm's way, and often paid a high price for doing so.

I am pleased to have had a part in this legislation. Our Vietnam veterans have earned it.

I thank the Chair and yield the floor.

Mr. WIRTH. Mr. President, one of the tragedies of the Vietnam war was the widespread use of the herbicide agent orange. From 1962 to 1972, the American forces sprayed agent orange, the most commonly used herbicide of the war, in South Vietnam to remove the canopy of jungle leaves concealing hostile troop movements. Approximately 11 million gallons of agent orange was sprayed over some 2.9 million acres of mangrove, inland forest, and cropland. Agent orange contains dioxin, a highly toxic chemical, which we now know causes cancer.

Many Vietnam veterans suffer from illnesses related to toxic chemicals, such as those found in agent orange. Unfortunately, the Department of Veterans Affairs [DVA] has for many years denied most of the 31,000 claims for disorders associated with exposure to herbicides during the Vietnam war because the ailments were not considered to be service-connected. About 265 of these claims were filed by veterans living in my own State of Colorado. Additionally, more than 150,000 Vietnam vets have received medical examinations at VA hospitals since 1978 and are listed on a registry which Congress required be created should other illnesses be linked to exposure to agent orange. More than 750 of these veterans live in Colorado.

I am very pleased to say, Mr. President, that today, after years of denying a correlation between exposure to agent orange and the development of cancer, the Congress is finally going to act to give Vietnam vets the compensation they deserve. The bill we are now considering, S. 238, will at long last provide Vietnam vets suffering from non-Hodgkin's lymphoma and soft-tissue sarcoma—two rare cancers—with permanent disability benefits. I am proud to be an original cosponsor of this bill, Mr. President. I am also proud to have worked alongside Senators DASCHLE, KERRY, and CRANSTON during their long fight to bring this issue to the Senate's attention. Their refusal not to let the plight of our Vietnam veterans go unnoticed by a sometimes ungrateful country is to be commended.

Now, at a time when our Nation is again at war, it is especially important that the Congress send the signal to our service men and women that their sacrifices will not be forgotten. The hardships suffered by our soldiers and veterans were born of a unique selflessness. In return for their brave service, our country has made a commitment to provide its veterans with the finest benefits program in the world. It is a commitment that we justly reaffirm today.

Mr. HELMS. Mr. President, it is my hope that this legislation will prove to be a compromise which will settle the agent orange issue once and for all. Instead of leaving the issue to continued political wrangling, the bill sets up a mechanism within the Department of Veterans Affairs—with the help of the National Academy of Sciences—for determining service connection whenever a positive scientific correlation is established between a specific disability and exposure to herbicides in Vietnam. Such service connections can also be deleted if and when scientific evidence later demonstrates that no correlation exists.

This bill takes the first step in making such determinations by codifying Secretary Derwinski's findings last year that non-Hodgkins lymphoma, soft tissue sarcoma, and chloracne are service-related for veterans who served in Vietnam.

Mr. President, I commend the sponsors of the bill for requiring only that the National Academy of Sciences conduct surveys of scientific information in advising the Department of Veterans Affairs rather than engage in independent and expensive studies of its own—a wise recognition of the existing budget crisis.

Mr. President, there are approximately 290,000 Vietnam veterans in North Carolina and on their behalf I thank the bill's sponsors for reaching a reasonable compromise that, it is to be hoped, will put the divisive agent orange controversy to rest.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 238, the Agent Orange Act of 1991. This bill has been long awaited by our Vietnam veterans. It provides that the Secretary of Veterans Affairs shall obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides. This legislation codifies earlier action by the Secretary of Veterans Affairs to grant presumption of a service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for veterans who served in Vietnam.

Direct American involvement in the Vietnam war ended in 1975, but the effects of that painful experience have long endured for many Americans. One of the most vexing problems has been determining just and equitable ways of dealing with the ill-effects to those American veterans who were exposed to the herbicide agent orange. I have endorsed previous efforts to provide relief to veterans exposed to agent orange. Therefore I am especially pleased that this law would create a procedure for the Secretary of Veterans Affairs to work with the National Academy of Sciences to review scientific and medical information regarding the health effect of exposure to agent orange and other herbicides used in Vietnam.

The legislation is aimed not only at reviewing physical but also the emotional pain which has become a major burden for veterans and their families struggling with the effects of agent orange. That is why the bill expands outreach activities and the extension of the eligibility date for VA health care based on exposure to agent orange or radiation.

The pilot studies which this legislation provides offer the best hope for re-

solving questions on health hazards of exposure to herbicide agents or service in Vietnam. Such studies are relevant not only to our Vietnam veterans but also to our military forces in the Persian Gulf who have been threatened with exposure to chemical and biological weapons by Iraqi President Saddam Hussein.

I urge my colleagues to pass this bill, first, as a commitment to remedy a longstanding problem of Vietnam veterans and, second, as a signal of American resolve to face squarely any similar problem encountered by the men and women of our Armed Forces today.

Mr. BRADLEY. Mr. President, throughout our history, America has asked its soldiers to defend the principles that form our Nation, and the members of our military have responded with courage, honor, and dedication. The war in the gulf reminds us of what we ask for our military. It should also remind us of what we as a nation owe to the members of our Armed Forces.

The Agent Orange Act of 1991 will help us to live up to our obligations to veterans of the Vietnam war who were exposed to agent orange. Between 1962 and 1971, the U.S. Air Force sprayed herbicides, including agent orange, to destroy enemy crops in Vietnam. Since 1977, veterans have attributed a number of illnesses to agent orange exposure. However, disability compensation for the veteran's illnesses has been denied unless it could be shown that the disabling condition began during the period of service.

After much prodding, the administration agreed to compensate veterans who suffer from diseases frequently associated with exposure to agent orange. But the Agent Orange Act codifies this into law, and removes any ambiguity about the Federal Government's treatment of effected veterans.

The Agent Orange Act of 1991 has two main goals: To compensate those who were exposed to agent orange and to encourage research into the effects and treatment of exposure. The act establishes a permanent presumption of service connection for the diseases that are frequently associated with exposure to agent orange, soft-tissue sarcoma and non-Hodgkin's lymphoma. It also mandates compensation for victims of these rare cancers. This legislation establishes an independent procedure for identifying and compensating diseases related to the exposure to agent orange. This bill would also help our research efforts on the effects of agent orange by funding pilot studies on Vietnam service-related disabilities and by gathering, analyzing, and reporting on a continual basis the clinical data from health records of veterans who have disabilities related to agent orange.

This legislation would enable us to put to rest one of the most contentious issues associated with the war in Vietnam. It will also enable us to live up to our moral obligations to those who served their country in the Vietnam war. I applaud the passage of the Agent Orange Act of 1991, and am proud to be one of its sponsors.

Mr. MCCONNELL. Mr. President, the Senate is currently considering legislation important to many Vietnam era veterans, S. 238, the Agent Orange Act of 1991.

Nearly 2 years ago, I voted for the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989. I did so because of my support for America's vets, and because of my desires to fairly and adequately resolve issues relating to agent orange exposure. Today, I will vote for the Agent Orange Act of 1991.

Among other provisions, S. 238 codifies presumptions of service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for veterans who served in Vietnam; establishes a presumption of service connection for other diseases that the Secretary of Veterans Affairs finds associated with exposure to agent orange; and requires the VA to work with the National Academy of Sciences to examine information on veterans exposure to agent orange and other herbicides.

I would like to take a moment to offer my thanks to all veterans who have honorably served our country, but in particular, those who served in Vietnam. Under difficult conditions and during trying times, they stood faithfully by their country. Today, we stand firmly by them.

Mr. HEINZ. Mr. President, I want to thank my friend from South Dakota, Senator DASCHLE, for introducing this legislation. I also want to congratulate him on his persistence. My involvement with agent orange legislation stretches back more than a decade. In that time, I have been in partnership with Senator DASCHLE to obtain compensation for Vietnam veterans for disabilities arising from exposure to the chemical agent orange during wartime service. I am pleased to add my voice to the many that support the Agent Orange Act of 1991, and believe that its enactment is long overdue.

In this period of military conflict, our thoughts are appropriately focused on our troops in the Middle East. We pray for them; we hope that they will be spared from harm while there, and come home alive and in the same good health in which they left. But, Mr. President, even as this new war unfolds, the unfinished business from an old one nudges at our collective conscience. Regrettably, Vietnam returnees received something less than the hero's welcome to which they were entitled. As we think of the troops in the Middle East, I urge my colleagues to think also of the troops who labored in Vietnam, then consider the disgrace of their belated and inadequate recognition.

It is unfortunate that despite the existence of studies showing a relationship between certain ailments plaguing Vietnam veterans and exposure to the dioxin contaminants in agent orange, the issue of granting compensation for agent orange-related diseases is still being debated. It is my desire to see that this legislation is put in place, not only to address past inattention to this probem, but also to see that it continues to be addressed in the future.

In the past, efforts to pass agent orange legislation met with failure due in part to disputes concerning the reliability of studies linking agent orange to disease. But I am encouraged about the Agent Orange Act of 1991, Mr. President. It is the product of a compromise reached after lengthy negotiations.

The bill provides for permanent presumption of service connection for soft-tissue sarcoma, non-Hodgkin's lymphoma, as well as chloracne that became manifest within 1 year of a Vietnam veterans service. Further, the Secretary of Veterans Affairs is charged with determining whether permanent disability benefits should be given to veterans suffering any other diseases that may be associated with agent orange based on National Academy of Sciences reviews of relevant evidence. Other provisions authorize the Veterans Administration to collect, study, and report on clinical data and samples that could yield critical information.

Mr. President, the Veterans' Administration has the facilities and expertise required to evaluate available scientific information and to review veteran's claims. For this reason, the Veterans' Administration must be given sufficient discretion to determine how to fairly and efficiently administer its programs. This bill grants that discretion.

At the same time, an independent scientific organization reviews the facts and presents them to the Secretary so that policy may be established.

Mr. President, America's Vietnam veterans, people who put their lives at risk for this country, are suffering because of exposure to agent orange. These are individuals who thought they came home safe and whole, only to discover the existence of insidious, war-related disease. It is a small part of the debt we owe our veterans to provide compensation for the sacrifices they have made. The Agent Orange Act of 1991 will help fulfill part of our obligation to veterans of the Vietnam war, and I urge my colleagues to adopt it.

Mr. DECONCINI. Mr. President, are we now in morning business again?

The PRESIDING OFFICER. There is no order to that effect.

Mr. DECONCINI. Mr. President, will the Chair advise when we are going to vote on this bill? Is there an order already standing?

The PRESIDING OFFICER. At 2:15 the Senate will vote on the House companion measure.

MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent that a period not to extend beyond 12:30 for morning business be in order.

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

ROMANIA: PROBLEMS AND PROSPECTS

Mr. DECONCINI. Mr. President, we begin the new session with our thoughts and emotions focused on the struggle for freedom and justice in faraway lands—Kuwait, and, more recently, the Baltic nations. Our concern is warranted. But there are other regions, as well, where the prospects for the future are unclear. As Cochairman of the Commission on Security and Cooperation in Europe, I wish to draw attention to Romania.

Despite a landslide victory in last May's elections, the government of President Ion Iliescu and Prime Minister Petre Roman has failed to secure public confidence, domestic or international, particularly since the dismal events of June 1990. We will not soon forget the horrifying photos and gruesome eyewitness accounts of miners—armed with clubs and bludgeons—terrorizing peaceful protesters in the streets of Bucharest.

Strikes and demonstrations have persisted in Romania since that time. Among the demands of the demonstrators are: The resignation of Mr. Iliescu and his government, a revised economic program, a detailed account of the December 1989 revolution, stepped up military reform, and, increasingly, the return of former monarch King Michael. Thousands of students, union workers, and intellectuals have taken to the streets to protest a seemingly inefficient and corrupt bureaucracy. So far, the Government has refrained from a repeat of last June's brutality. But one demonstration in Bucharest this month resulted in a violent clash between students and police—an ominous sign for the future that is very disturbing.

Much of the political conflict stems from Romania's severe economic crisis. Shortages of consumer goods continue to plague society and exert inflationary pressure on the economy. Industrial production has been falling, yet workers bitterly complain they lack the raw materials to run their factories. Meanwhile, the situation in the Persian Gulf, combined with a drop in Soviet oil production and a dearth of hard currency, has intensified a sharp lack of energy resources, prompting the Government to impose gas rationing policies at the outset of what promises to be a cold winter.

Another area of concern is the media. While an independent media is not explicitly forbidden, the new opposition press is disadvantaged in a number of ways and has been subject to continuing harassment and violence. State-run publications are given privileged access to limited supplies of paper; use of printing equipment requires Government approval. Independent journalists have reported ongoing threats from Government agents. Earlier this month a number of foreign journalists were assaulted by Romanian police, apparently after having displayed their identification cards. Television, too, remains heavily influenced by the state.

Within Romanian society, deepseated hostilities toward ethnic minorities persist unresolved. Since the revolution, anti-Hungarian and anti-Gypsy sentiments have been inflamed by the emergence of independent organizations and publications that flaunt ethnocentric ideals. As we recall, those sentiments erupted in violence last March in the Transylvanian town of Tirgu Mures, when villagers armed with pitchforks were bused in from the countryside and attacked local Hungarian citizens.

And, of course, one of the most troubling issues in Romania is the fate of its abandoned children, many of whom are victims of neglect, malnutrition, and AIDS. While the international community, including numerous American citizens, has rallied to the rescue of Romanian orphans, the larger concerns go unanswered. The conditions that produced these children—forced birth policies and primitive health care—have not been adequately addressed by the Romanian Government or by outside sources. Access to birth control and family planning resources is still severely limited, and medical supplies and technology have been slow to arrive. The most innocent members of Romanian society have become its most pathetic victims.

Clearly, President Iliescu faces a difficult challenge in undoing the legacy of Ceausescu and consolidating democracy in Romania. Equally clearly, the authorities are preoccupied with the disastrous state of the economy and resent the ongoing strikes and demonstrations. But without the trust and confidence of the public, no policy initiative is likely to succeed. I would like to raise a few areas in which I think the United States can—and should—encourage the Romanian Government to act.

The first step would be to clarify the events of the December 1989 revolution. Many doubts have endured within Romanian society as to who was responsible for instigating the violence in Bucharest. A second important step would be to issue an official report on the June clashes between opposition forces and miners. A Parliamentary Commission was established long ago to conduct such an inquiry, but as of January 19 had produced only preliminary conclusions. The Romanian authorities did recently complete a report on last March's ethnic violence in Tirgu Mures, but critics say it fails to identify the reasons behind the outburst of hostility. Overall, it appears the authorities are reluctant to probe the sources of conflict menacing Romanian society.

Iliescu's government must also prove its commitment to a free press. The Romanian public needs unfettered access to honest, comprehensive information; the current environment is promoting division, speculation, and slander. The United States should reemphasize this issue as we evaluate our relationship with Romania, for example when considering foreign aid. And we should be sure to continue Radio Free Europe and Voice of America broadcasts in the region.

Finally, Mr. Iliescu and his government must demonstrate genuine tolerance of the opposition forces in Romania. This will be the truest test of his commitment to democracy. Good faith discussions with members of the opposition, ethnic minority leaders, trade union officials, and students would go a long way toward building support for his policies. A President is elected by the people and for the people. Mr. Iliescu must show he can serve all the people.

Mr. President, things have not changed that much, even though there have been elections. I think it is very important for us to focus on Romania and to send some clear messages to that Government that now that democratization, so to speak, has come to Romania, there are some responsibilities that are inherent in such actions. That includes human rights. It includes, as a signatory to the Helsinki accords, that they respect human rights and they comply with the CSCE process and that is not occurring.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered. The Chair advises the Senator that the period for morning business expires at 12:30.

Mr. MURKOWSKI. I thank the Chair. I wonder if I might be extended by unanimous consent about 3 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

THE AGENT ORANGE ACT OF 1991

Mr. MURKOWSKI. Mr. President, as a cosponsor of Senate bill 238, which is the proposed Agent Orange Act of 1991, I rise in support of the Senate passage of this bill. I have carefully reviewed the bill in my capacity as ranking member on the Veterans' Affairs Committee and view it as a thoughtful and very carefully crafted compromise.

I commend my colleagues who have worked hard to reach the agreement on what has been a very difficult issue, and one that has been with us for a long time. I particularly commend the contribution of Senator SIMPSON, Senator DASCHLE, Senator CRANSTON, Congressman MONTGOMERY, and Congressman STUMP.

For several years, the problem of how to address the agent orange issue has proven to be a divisive one. The House and Senate have simply been unable to reach an agreement on agent orange legislation.

Mr. President, I recall coming into the Senate in 1980, going on the Veterans' Affairs Committee, and being advised that there was a study being conducted by a leading American university that would determine once and for all what action should be taken by this body on the responsibility concerning agent orange.

Clearly, 10 years have gone by, and we have yet to reach a solution and a consensus. We recognize, of course, our continuing obligation.

I am, therefore, especially pleased that all interested Members have examined the goals of the agent orange proposals and have taken into account the concerns of those opposed to past agent orange bills. This understanding was a necessary ingredient in achieving a compromise on agent orange.

Mr. President, our Nation's Vietnam veterans will benefit greatly from enactment of this bill. Many of these Vietnam veterans have been extremely concerned about possible exposure to agent orange while in Vietnam and the possible health effects of such exposure.

The independent evaluation of agent orange research by the National Academy of Sciences, as provided under this bill, will be a useful tool in providing the American people—and particularly Vietnam veterans—with valuable information on the effects of exposure to agent orange.

Mr. President, yesterday I received a copy of a letter addressed to my friend, the Honorable G.V. "SONNY" MONTGOMERY from VA's Secretary, Ed Derwinski. This letter began in the following way—

On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of H.R. 556, 102d Congress, the Agent Orange Act of 1991.

In addition to the support of President Bush, the U.S. House of Representatives passed H.R. 556 by a vote of 412 yeas and 0 nays. The Senate bill, S. 238, is nearly identical to the House-passed bill.

I hope that the Senate will overwhelmingly pass the agent orange bill under consideration today.

RECESS

The PRESIDING OFFICER. Under the previous order the Senate stands in recess until 2:15.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Michigan is recognized.

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

Mr. LEAHY. Mr. President, will the Senator withhold for 1 moment?

Mr. LEVIN. I withhold.

The PRESIDING OFFICER. The Senator from Vermont.

NOTICE OF MEETING

Mr. LEAHY. Mr. President, I understand there may be a few minutes' delay before the vote. I inform the members of the Agriculture Committee, there is a meeting beginning right now in the President's room. I urge attendance for the purpose of a quorum.

Thank you.

AGENT ORANGE ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Under the previous order, S. 238 is laid aside, and the clerk will report the House companion bill.

The assistant legislative clerk read as follows:

A 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.

The PRESIDING OFFICER. Under the previous order, H.R. 556 is considered read a third time, and the question occurs on passage of the bill.

The question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—99

Adams	Fowler	Metzenbaum
Akaka	Garn	Mikulski
Baucus	Glenn	Mitchell
Bentsen	Gore	Moynihan
Biden	Gorton	Murkowski
Bingaman	Graham	Nickles
Bond	Gramm	Nunn
Boren	Grassley	Packwood
Bradley	Harkin	Pell
Breaux	Hatch	Pressler
Brown	Hatfield	Pryor
Bryan	Heflin	Reid
Bumpers	Heinz	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Rudman
Coats	Johnston	Sanford
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Conrad	Kennedy	Seymour
Craig	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dixon	Levin	Stevens
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Exon	McCain	Wellstone
Ford	McConnell	Wirth

NAYS—0

NOT VOTING—1

Cranston

So the bill (H.R. 556) was passed.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, are we in morning business at this point?

The PRESIDING OFFICER. If the Senator asks unanimous consent, we could be.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may be allowed to proceed for not more than 5 minutes as in morning business.

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

The Senator is recognized for 5 minutes.

The Senator from Pennsylvania.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 293 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is advised that we are presently acting under an absence of an agenda. Will he want to ask for unanimous consent to proceed for a brief period as in morning business?

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as in morning business for a period not to exceed 5 minutes.

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

THE AGENT ORANGE ACT OF 1991

Mr. JEFFORDS. Mr. President, I unfortunately was absent during the debate on the agent orange bill which just passed. Myself and many others, especially the sponsor of the bill, Senator DASCHLE from South Dakota, spent many years trying to bring forth progress in this area. I was very pleased to see how well it passed today.

Mr. President, I remember how these events came about which led us to what we did today. I was one of those fortunate individuals who did his military service in the gap between wars. I was just a little bit too old to be in the Vietnam war and a little bit too young to have served in either World War II or the Korean war. Yet, I did observe the end of World War II and the tremendous joy when our troops came home. I remember how emotional we were and how thankful we were and how glorious an occasion it was.

Then I remember the end of the Vietnam war when our men came home and they unjustly received the scorn of our veterans, the people who looked at them as if they had been stupid or foolish to come back and understood how miserable they must have felt; for if you are in a popular war, certainly it takes much out of you, but you can bear your wounds with pride. But to fight an unpopular war means that when you come back and people look down upon you, those wounds become even more difficult and burdensome.

I remember we held a meeting with Bobbie Muller, the founder and head of the Vietnam Veterans of America, who came to Vermont. Half of the auditorium was filled with Vietnam veterans and the other half with World War II veterans and citizens, and the horrible debate that went on and the scorn that was expressed to those Vietnam veterans left me deeply, deeply moved.

Thus, as time progressed, we were able to make progress, I established a veterans advisory committee and got the groups together in Vermont and healed those wounds probably quicker than others.

One of the real scars of that war was the agent orange issue. For bad as it was to be dumped on with scorn when you came home, it was even worse to realize you had been dumped on by acid rain or the yellow rain, whatever you want to call it, and left with the threat of illness, or the threat to your life.

Some progress was made through a litigation which ended in the mid-1980's. But the court told us at that time the real place this issue had to be resolved because of the complications of proof and the ability to be able to show that anything that happened to you might be related to dioxin was in the Congress. The court said you are the ones who ought to find the answer to this very complicated and difficult problem.

We worked at it and we worked at it and finally today we have a real hope. Part of that hope is brought about by the Secretary of the VA, Mr. Derwinski, who himself moved forward to try and resolve some of these issues. The answer we have here today is not a perfect one, but it is infinitely better than the situation was before this bill passed.

It has taken years for this country to recognize the illnesses unique to Vietnam veterans, some of the most devastating being those associated with exposure to a deadly defoliant heavily sprayed over hundreds of thousands of acres in Vietnam—agent orange.

The Agent Orange Act of 1991 is a compromise crafted from a long-time controversy concerning whether existing scientific evidence adequately proves the effects of exposure to agent orange. While this controversy has not been completely resolved, I think we should give the benefit of the doubt to veterans.

The legislation before us would codify the presumptions of service connection for certain diseases associated with herbicide exposure. After passage of this bill, a Vietnam veteran disabled by non-Hodgkin's lymphoma, soft-tissue sarcoma, or chloracne will be presumed to have incurred that disease while on active duty.

Second, this legislation provides for research in areas including tissue archiving, blood sampling and testing, and clinical-records review. Such activities would not be conducted if the Veterans' Administration determines after considering the report of the National Academy of Sciences, that they are not feasible or cost effective or would not make a material contribution to the body of scientific knowledge. Such activities would be subject to specific appropriation of funds by the Congress.

Clearly, we will never be able to offer full compensation to the soldier who lost a leg to a land mine, or to the family broken as a result of a clinically depressed or alcoholic father, or to those with manifestations of exposure to agent orange. Already victimized by controversies surrounding Vietnam, these veterans should not be further victimized by a questioning scientific community. We cannot forget the price these men and women paid serving their country in Vietnam. They are owed the commitment that this bill at long last provides.

I am thankful to have been a cosponsor of this bill and feel rewarded for all the years I put in to try to bring us to this day and want to express my sincerest thanks for those who helped pass this.

The PRESIDING OFFICER. The acting majority leader is recognized.

BILL INDEFINITELY POSTPONED—S. 238

Mr. DASCHLE. Mr. President, I ask unanimous consent that S. 238 be indefinitely postponed.

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

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

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

The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas yields the floor.

Does the assistant Republican leader ask for recognition?

Mr. SIMPSON. Yes, Mr. President.

The PRESIDING OFFICER. The assistant Republican leader.

COMMENTS ON THE DEMOCRAT RESPONSE TO THE STATE OF THE UNION

Mr. SIMPSON. Mr. President, I rise this afternoon to commend the President for his excellent State of the Union Address last evening. It was a stirring speech, and it cut right to the heart—to the very bone and sinew—of what so many of us have been thinking and feeling these past 2 weeks.

Most importantly, I think his words united us for one crisp, clear, and moving moment. It brought the Congress of the United States to its feet and the House and Senate stood together, joined with singleness of purpose, united in our belief and the course of our direction.

Toward the end of the address, when we rose as a body to give the President's words in support of our troops a standing ovation, I felt that Saddam Hussein, who most certainly was watching, or who probably would be seeing portions of that address, should have realized what a tremendous

strength and dedication is displayed when we are united.

I feel a great deal of pride in our President, and I think so many of us do, and the unity he inspired last night, however, I must say that I was disappointed in the Democrat response which followed the State of the Union Address.

It was entirely appropriate during this crisis in the Persian Gulf, which threatens the very foundations of what we believe in as a nation, to focus on our goals in the Persian Gulf and what it means to be an American, and what it means to have the burden of leadership in this world. The State of the Union Address appropriately focused on issues much more important than inside-the-beltway political in-fighting and partisanship.

Unfortunately, the Democrat response implied that the President was not doing enough to resolve our crises here at home. It is the Congress that does the Nation's business. The President does not get a vote. Although this President has been criticized for not being specific, the Democratic Party's response on domestic issues sounded more like a tired string of old political slogans dribbling out of a leaky balloon.

What specifics do they propose? None. They encourage economic growth, sensible energy policy, more concern with our environment, the strengthening of our banking system, campaign finance reform, and access to health care. Who does not? Those are issues we are all here to address.

But at the end of that litany came the added verbiage of the same old tired images of class warfare in this country. I would hope, and think that the Democrats might learn once and for all, that class warfare rhetoric really does not sell too well.

The President took the high road. He congratulated our troops on the importance of their mission. He did not focus on whether they were black or white or brown or yellow, or whether or not their families made $10,000 a year, $50,000 a year, or more than that a year, because none of that really matters at all when the cause is so very great and so very just.

In the midst of this crisis, which threatens the very fiber of our country and everything in which we believe, I found it incredibly distasteful that the Democrats resorted to the same type of rich versus poor campaign rhetoric of 1990 with which they sought to use to divide this country during the course of the budget reform debate. All we were trying to do in that measure was to take the Medicare budget and allow it to be increased by 10 percent instead of 11 percent. That was called a cut from coast to coast. When a 10-percent increase is called a cut, all Americans should be on guard as to what political rhetoric can do.

And so here we see another attempt to divide the country with that kind of political rhetoric targeted at the State of the Union address, a speech intended primarily to unify this country in a time of war.

Mr. President, we cannot expect to achieve our solemn and sworn duty of leadership in the world if we have to stick a finger in the air and constantly gauge which way the wind blows according to the polls of either the Democrats or the Republicans.

George Bush has not done that I can assure you. He has boldly and decisively embarked upon a course of action which is grounded in moral conviction, reflective conscience, and experience not political expediency or popular opinion. That is why he deserves our full support.

It is clear that he does, in fact, have the overwhelming support of the American people. That must be a very disconcerting strategic problem for the partisan efforts of the Democrats. You do not see many of them lined up to take him on for the Presidency. Odd, is it not?

I am extremely proud of George Bush's human rights record. He and James Baker, in their expert ways, are dealing with the Soviets in such a manner as to maintain our bilateral cooperation, urging restraint and obtaining commitments for human rights improvements in the Baltic States.

The majority leader regrettably brought up the subject of the Jesuit murders in El Salvador. I think that was a wretched excess, and I would say that and I will. In fact, I have advised my friend from Maine that I would be saying some strong things on the floor. That singular reference was wretched excess. In a State of the Union Address response, we are told about the murdered Jesuit priests in El Salvador as a shot across the bow of this President. The majority leader conveniently omitted mentioning the American servicemen, our troops—who were recently executed in cold blood by the rebels, the leftist rebels, in that same country, after their helicopter had been shot down. This was a gross act, certainly no less egregious than the murder of the Jesuit priests.

There was no expressed outrage over that atrocity in the response—none. Double standards? The quote in the Democratic response was that "we cannot oppose repression in one place and overlook it in another." What could be more obvious a double standard than the example I have given regarding the murder of our servicemen in El Salvador?

Mr. President, in the response to the State of the Union Address, the Democrats also seemed very eager to take credit for missile systems like the Patriot, which is serving so well in the Middle East.

I now take this opportunity to thank President Ronald Reagan, President George Bush, and former Secretary of Defense "Cap" Weinberger, who used to take a pretty good load of guff right here in this Chamber, for their foresight and for their encouragement in funding the Patriot missile and other strategic defense initiatives, which we, on our side of the aisle, we have fought like dogs for over a decade.

In the interest of bipartisanship and comity, I would not think it necessary to go to recite chapter and verse, or Member by Member, to demonstrate where the support has been for these kinds of high-technology defensive weapons. That is unseemingly inappropriate at this time.

The President also called for a sensible national energy policy. There have been many of us calling for a sensible national energy policy in the Senate for years. I come from an energy producing State. We have been pleading for a national energy policy.

This is not a new idea, and it certainly is not one that the Democrat Party has invented. In fact, some of the gravest problems we have in trying to form a national energy policy comes from regional, not party concerns—Northeast versus the Southwest, the West versus the East. That is why we have never obtained a national energy policy. We are all at fault on that. This President is going to present us now with an energy program soon after the 1st of February, and we will then proceed.

Finally, Mr. President, I heard the Democrats calling for what was described as the crisis of the decade, long-term care for the elderly. Mr. President, that sounds like classic political posturing.

Have we forgotten what happened to the catastrophic health care measure in this Chamber? How in the world are we going to move on to the issue of long-term care if we cannot even legislatively address the issue of catastrophic health care? That was shot down in here, by a great miasma of rocketry from people who were the most privileged in our society, people who refused to pay $750 a year or $1,500 a year in the year 1993. That is what it would have cost. So this 5 percent of the senior population, the folks most able to afford the cost rattled our cages in ways that we found ourselves cowering under the desks.

Now they are going to ask us to do long-term health care which is 25,000 bucks a pop per year, per person? We have not even been able to do catastrophic health care when we should have. I did not vote to repeal it. I can promise you that. I was ready to require people to put up $4.16 a month. Then we would have gone to $9.80 a month in 1993, to take care of having 365 days of health care in a hospital, and 180 days of skilled nursing care,

hospice care, no more coinsurance, and never pay over $600 a year for their pharmacy charges. The cost would have been approximately $4 per month. That would have taken care of 80 percent of the people in the United States that we were trying to help.

There are 15 percent of those people who would have had to pay no more than $200 a year additional. Then the top 5 percent would have had to put in the $750 or the $1,500.

So it is not really going to do any good to start off the session talking about the rich and the poor, and whether you make $10,000 or $50,000 or $200,000, or whether your children are over there in that part of the Earth. I think that is very unfortunate; a very poor way to start the session.

I saw the language of the Democrat response. I thought for a moment. I do not think that is my friend GEORGE MITCHELL, the majority leader, who I have the greatest respect for. I serve with him on two committees, I respect him deeply, respect his judgment, and I respect his honesty. We have worked together on tough issues—clean air, environmental issues, and veterans issues. And I think we see here a hazard of politics. This address was probably prepared before the President's address. It was taped before the President's address.

I think the most disturbing part was on page 3 where it said "We seek a world where justice and human rights are respected everywhere. Students massacred in China, priests murdered in Central America, demonstrators gunned down in Lithuania—these acts of violence are as wrong as Iraqi soldiers killing civilians. We cannot oppose repression in one place and overlook it in another."

That was a puzzling statement for me, and I have outlined the reasons why I think so.

Then this was also stated in the Democrats response. "The war has shown us the enormous potential of our people and our technology. We have combined superior equipment with concentrated training."

Yes. A lot of us did that. And a lot of us did not do that to assist in that cause. Certainly we have had no energy policy. On that point, the Democrat response is correct. And then the response also said: "We spend more on health care than any other country. We get the best of care but only for those who afford it." What an extraordinary statement! Six hundred sixty billion dollars a year is expended in this country for health care. That is reality, $660 billion a year.

Some Americans are left out. But in fact, those that were newly included in the Budget Reform Act in October when we made citizens under 19 eligible for Medicaid.

The Democrat response cites that we have had record budget deficits and record trade deficits, and we have lost jobs. We sure have. During all the time I have been here, except for a 4-year hiatus, the Congress has been controlled by the Democrat Party.

In fact, in the House of Representatives, there is an extraordinary lock over there that should be broken by the American public at some appropriate time. I would think soon, not only to vote in some new Members but also to shake up a recalcitrant and obstinate staff who have become arrogant and encrusted over in that body. At least here we had a little disruption here in '84, and everybody woke up, smelled the coffee, and figured, "My God, you can lose your job when you are entrenched staff personnel. It is a healthy thing to learn in a legislative body, very healthy.

So now I have gotten to the most disappointing part of the Democrat response—the discussion about families who earn more than $200,000 a year and how there are not many kids from families like that who serve in the Armed Forces. The Majority Leader asserted that it is mostly the children of working people, the middle class, the poor who will do the fighting and dying, and their families should not have to bear all that burden." I think that is really, very unbecoming class warfare rhetoric. It does not serve our country well.

I hope that the American people—thoughtful as they are—go back and look at the debate on the tax reform package several years back when the Democratic Party in the House and the Senate were saying: "This is a remarkable tax package. It finally hits the rich. It finally 'donged' them." We finally brought equity into the system, and we are terribly pleased. We think everyone should accept it." That is what they said. That is what they said down at this end, of the Capitol, and at that end of the Capitol. That is what they said. Yes during the budget accord debate it was said that "finally, we have brought equity to the system." We saw that one go a glimmering—it was used for good mileage, too—in October. No one can argue that. That is politics. But, ultimately, it will not sell.

Go back and look at the language of the leaders on both sides of the aisle, and in the Democrat Party, at the debate, passage and signing of the Tax Reform Act. And you will find it was one of the greatest things ever to have been put together. At least that is what they said until October of last year.

So as we say in our trade, "look at the record."

So I want to share those things, and to tell you the reasons why I am saying them. I wonder what solutions will be presented other than the ones that will always be presented. There was not anything new there in the Democrat response. How in the world will we move on to addressing the important issues like health care if we are going to try to emphasize class warfare? Certainly trying to leapfrog right over a catastrophic health care bill disaster or ignoring it completely is not the answer.

Mr. President, George Bush came up here last night and inspired us to unite behind him and the American troops—the men and women who are putting their lives on the line in the Middle East. That was a noble, patriotic and reasonable request. It was no time for the tired repetition of partisan shots. George Bush did not lob any at the Democrats. For just once I thought the Democrats might do the same. But I was sadly mistaken, and personally disappointed.

I know that my colleagues who I have seen gathering in and out about the floor will undoubtedly have some response. I am here to share my views, but I share them with the deepest of my being.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes Senator SARBANES.

Mr. SARBANES. Mr. President, I listened carefully to the Senator from Wyoming when he spoke. I think he used the phrase "wretched excess" in the course of his comments about the majority leader's speech, and I must say to him that if there was a statement to which that phrase ought to apply, I think it is the statement the Senator from Wyoming has just made.

I believe the majority leader made a very thoughtful and sensitive statement last night. I think he recognized clearly where our Nation finds itself at the moment and reiterated very strong support for our men and women who have answered their country's call. In fact, the majority leader, in referring to them, said, "They are Americans, not Republicans or Democrats, but Americans who have answered their country's call."

I find it passing strange that at a time of such serious magnitude the assistant minority leader would take to the floor and, in effect, inject partisanship into this debate by the nature of his own remarks. That injection is wretched excess. The majority leader said last night, "There is nothing a democratic society can do that is more difficult than to ask a few to risk everything in behalf of the many who risk nothing. We have done that. Our troops deserve our full support. They have mine and that of the Congress." Then he went on to say, "Our support will not end when the fighting ends." And he talked about what is to come when the war is over.

Obviously, domestic needs are an important agenda, too, and must be addressed. And while the President mentioned domestic issues in the course of his remarks last night, there are obviously differences that exist over the

nature of what the domestic agenda should be and what the extent of the commitment to it should be.

I heard the assistant minority leader talk about the health care section and the statement that a lot of Americans are left out of receiving health care, and he questioned that, as I understood him. I, frankly, do not know on what facts he bases that question. It is undeniable that millions of Americans do not have health insurance. He made reference to the expansion of the Medicaid Program to cover some additional people last year, a very welcomed development. But I suggest to him that there are millions and millions above the Medicaid levels who are in no position to afford adequate health care, and that is a problem that needs to be addressed.

I have to say to him very candidly that I do not think it is class warfare when confronted once again by what is becoming, I regret to say, a fixation on the part of the President with the capital gains tax cut, to point out that the benefit of this tax cut runs preponderately, overwhelmingly to those at the upper end of the income scale, and that the men and women that are fighting in the gulf are in fact drawn from families, middle-income working people, and from the poor.

Of course, we are in a difficult deficit situation, but if any taxes are to be cut, it ought to be those of working men and women in the middle class, the ones who are already bearing the burden of taxes, and as the majority leader noted yesterday evening, also bearing the burden of war. The troops there have been drawn from these families, and those families ought not to have to carry both that burden and the financial burden.

The Senator from Wyoming made reference to the passage of a tax bill and said it was greeted with great enthusiasm. That tax bill did not contain the proposal for the capital gains tax cut. What is now proposed is a change in the existing tax structure, in order to extend this tax cut to those at the very top of the income scale, those earning more than $200,000 a year. We had that fight. We have had that fight now more than once in the last Congress, and I cannot understand why the President continues to come back with that issue, and the Senator from Wyoming has defended that here on the floor this afternoon.

If there is any sense of fairness and equity, then we ought to be concerned about the tax burden of working people and of the middle class, and that is exactly the point that the majority leader made last night when he talked about the meaning of America in terms of everyone having a chance. That is the domestic agenda that needs to be developed. We need to have a domestic agenda that provides quality education for every American child, that provides jobs and fairness in the workplace. The majority leader said, "* * * no guarantees for anyone but an equal chance to succeed for everyone."

I, too, like the Senator from Wyoming, respect the judgment and honesty of the majority leader. I have encountered no person in public life in whose judgment and honesty I repose greater trust and confidence. I think that judgment and honesty was reflected in the statement he made yesterday evening. I thought it was a statement of dignity; it was a statement that sought to go to the very heart of what America stands for. It was, in my judgment, a measured statement that sought to provide support to the President in a bipartisan fashion in those areas in which such support is critical at this time in our Nation's history.

I suggest to the distinguished Senator from Wyoming that it is important to make that distinction. We have a democratic system and we have differences. We debate them. We have different policy approaches. The majority leader laid some of those out in the domestic arena last night, but he did not carry those differences into the areas in which the Nation needs to join together at this time. I find it, as I said earlier, passing strange that the Senator from Wyoming should now be seeking to inject that kind of sharpened difference into the debate here in this body.

I listened carefully to his comments. I think he used another phrase "unseemingly inappropriate." I think that phrase applies to his remarks as well.

I thank the majority leader for the statement he made last night. I think it spoke to what is deepest and best in our Nation. I think he articulated a vision for our country. He talked of building a better society not just for our returning servicemen and women but for their children and all children. That is a vision worthy of the best in the American spirit and I am pleased to stand with him and join in that effort.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. DASCHLE].

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the distinguished Senator from Maryland. I, too, felt very proud to be represented by the leadership demonstrated last night in response to the State of the Union Address. As a matter of fact, I must say I was also proud to identify very clearly and unequivocally with much of what the President said about our purposed and hopefully our long-term success in the Persian Gulf.

The words "wretched" and "unseemly"—whether they apply to a particular response to the State of the Union Address or any words attributed to the majority leader—just do not fit. How can one have profound respect for an individual who utters wretched or unseemly comments? It seems to be incongruous.

I think, if anything, it demonstrates an extraordinary superinsensitivity on the part of the minority whip that I find difficult to understand, especially given the magnanimous words last night by the President who spoke of those who are on the street demonstrating, those who differed with him. The President said, "Look I understand that difference; that is what this democracy is all about, expressing our differences. People are out on the street, and I understand that. That is their right."

If the President of the United States can say, "I understand why people are demonstrating in the street against my policy," how is it we in the Senate cannot tolerate dissent and differences of opinion without ascribing motivation, without calling it wretched or unseemly?

If it is not unseemly to demonstrate, how in the world is it unseemly to register, in as mild and diplomatic and tactful a way as we can, our fundamental differences as they pertain only to domestic policy?

For 8 months Democrats have been silent in the name of presenting a unified country to Saddam Hussein. We have been silent, and the pressure has been mounting on the majority leader throughout that 8-month period to speak out in opposition to some of the things the President did. But that is behind us because, in the name of bipartisanship, in the name of nonpartisanship, those who might have held dissenting views with regard to policy agreed not to air them on this floor until the final days prior to the time we went to war. And only then, in what everyone said was one of the most constructive debates we have had here in a long time, did Democrats come to the floor to speak their minds, forcefully in many cases. But how many Democrats have taken the floor since the war began to utter their dissent, to challenge the President, to say he was wrong?

We may have suspended partisanship, but we did not suspend the two-party system. We did not suspend the opportunities for us to express ourselves. I do not think anyone could have done that more capably than the majority leader did last night.

Are there differences of opinon between Democrats and Republicans on domestic issues? You bet. Will we debate them in this session of Congress? You bet. Will we have more specifics? You bet. And speaking of specifics, it is incredible to me that any one would criticize the Democratic response for lack of specifics. We had very few when it came to the domestic agenda ex-

pressed last night by the President of the United States.

I must tell you if I have seen any wretched excess in the last week or so, that wretched excess has come from partisans on the other side: A statement by the new chairman of the Republican National Committee saying Democrats are going to regret their vote and are going to be made to pay for it in the polls, a letter sent out by the RSCC saying "Stop those liberal Democrats from undermining the President; send money to the RSCC; send $1,000 to the RSCC to save our troops in the Persian Gulf." That is the wretched excess we need less of.

We ought to have honest and fundamental debates about these things. We need to talk about domestic issues, about the national long-term priorities, about the fundamental priorities without ascribing motives.

There are going to be differences on energy policy, health care, and a whole range of issues we as a nation must address. And everyone has a right to express themselves. To say it is wretched excess—the majority leader's constructive response to the President of the United States—is unfortunate and does a disservice to the kind of debate that I think is going to be necessary if we are to do the jobs we were elected to do in confronting the issues we must in the months ahead.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming, Senator SIMPSON.

Mr. SIMPSON. Mr. President, I am fully aware my remarks would elicit that type of response. There is no one I respect more than the Senator from Maryland. He has been an extraordinarily helpful and supportive counsel to me since I came to the U.S. Senate and I have great respect for him. When he ranges the floor, I am always on full alert. And when he comes to the floor he always says something important and says it very powerfully. I just explained my differences with the Democrats. That is what I intended to do; nothing more, nothing less.

I believe that is called freedom in debate and all the things that the good Senator from South Dakota discussed.

"Sharpened differences." I like the term. That is exactly what I am talking about.

But I would like to humbly suggest that the words "wretched excess" be at least brought back into their original context. What I called wretched excess—then and now—was this paragraph. And the paragraph is:

> Out of the tragedy of war, we seek a world where the force of law is more powerful then the force of arms. We seek a world where justice and human rights are respected everywhere. Students massacred in China, priests murdered in Central America, demonstrators gunned down in Lithuania—these acts of violence are as wrong as Iraqi soldiers killing civilians. We cannot oppose repression in one place and overlook it in another.

That is what I call wretched excess and that is the only portion of the issue that I addressed in that way.

Mr. SARBANES. Will the Senator yield on that point?

Mr. SIMPSON. Yes, I yield for a question.

Mr. SARBANES. Is it wretched excess to receive in the White House the Chinese Foreign Minister when the regime there has made it clear prior to his arrival that they intend to proceed against the student leaders, those who demonstrated in Tiananmen Square?

Is it wretched excess to go to Geneva and meet with Assad who after all is still on the terrorist list of the State Department?

I simply suggest to the Senator that the point that was being made in that paragraph is this commitment to human rights which I support has to be reflected everywhere and at all times, and that it is clear in other instances we have not brought the same pressure to bear in trying to address those matters.

It is very clear to me the Soviet Union unfortunately, tragically, has once again used a Middle East conflict to put down, to suppress movement toward freedom. It happened in 1956 and tragically, it is happening again in 1991.

So I simply say to the Senator that there is I think a problem here in addressing these matters, and I think the majority leader was right to make reference to them.

Mr. SIMPSON. Mr. President, one man's wretched excess is another man's genuine inquiry. The Chinese student issue was heavily debated in this Chamber. George Bush was the Ambassador to the People's Republic of China. He knew the leaders. He knew what was occurring. Since that time thousands of students have continued to travel between our countries in the usual course of their education. The Peace Corps operates. People who were involved in that have been presented to their courts of jurisdiction. We can latch on to that old stuff all we want to.

All I was saying is it surely seems to me there should have been a comment about the three GI's—our troops—who were pulled out of their helicopter and slaughtered by a group called the left, the FLMN in El Salvador, a bunch of terrorists who have apologists on this floor.

One of them is not the Senator from Maryland—

Mr. SARBANES. Will the Senator yield?

Mr. SIMPSON. Just a moment. I will not yield until I finish my remarks. That is what I am talking about. And the real issue is more important than going back and digging up old laundry lists. The issue is what has happened in the world since George Bush and Ronald Reagan came here, and it is called peace—peace in the most extraordinary ways in the Soviet Union and other places in the world and in Eastern Europe.

And this man, this remarkable President, and his remarkable Secretary of State and his Cabinet and his National Security Adviser, make the most extraordinary efforts that can be made to try to bring about peace in the world. And what do they get for that? I will tell you what they get for it. For the first time in the history of the world, the United Nations came down in a great big bloc and rammed it to a tyrant despot in the sands of the Middle East. That is what this administration got for their work.

It is what everybody in the world wants. It is called peace. The United Nations presented 10 resolutions to the world, and we approved the final one on a bipartisan vote, which was extraordinary. It enabled this President to go forward with 28 nations assisting him. And of those 28 nations, a group of them have already pledged $40 billion to our cause in the Middle East.

I think that it is very important to remember what has happened here; that the People's Republic of China—China—supported our activities and supported the United Nations time after time after time as has Syria. I know what Assad did. He hopped in his tanks and wiped out 20,000 human beings. We all know that in our history, and he dug in and covered them up with pavement within weeks. That is what he did.

But I tell you, I do not know how anyone can fault in a partisan shot what the President of the United States has done to bring about peace and make the United Nations work like it was supposed to work in the eyes of its founders. And I like the phrase, "I find it passing strange," which my friend from Maryland has used a time or two today. That is why I commented upon those things.

And if we want to go back, then, to the class warfare rhetoric in the context of capital gains, which we are going to do again, I hope we can remember what the President said last night without a shred of partisan whacking throughout his entire address. He said: "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"—that is us; all of us are leaders—"and the Federal Reserve to cooperate with us in a study, led by Federal Reserve Board Chairman Alan Greenspan, to sort out our technical differences so that we can avoid a return to unproductive partisan bickering."

That is what the President said.

Capital gains, the rich versus the poor. Whatever happened to the real

thought about the little guy, the little farmer trying to sell his farm so he can benefit from the capital gains rate. How about the elderly couple wanting to sell their house so they can help their grandchild or their kids, and a lower capital gains is what makes the difference as to their proceeds. That is called real life, honest life.

And the reason the President will probably continue to bring back capital gains again and again and again is because 66 Democrats have already voted for it in the U.S. House of Representatives—I doubt very seriously if they are going to go against their original position—and we will pick up 12 or 15 of them over here.

There is a corollary of political life in the lexicon of politics that if you have votes, you will eventually get something passed. And that is why capital gains, with a new session, will at some point, pass. It will pass by a good bipartisan majority of already 66 Democrats, who have put themselves right on the line right down at the other end of the building, and about 12 to 15 Democrats who will do the same right here. So those are the things I share.

The President said last night: Let us share our differences; discuss them in a bipartisan nature. And what I am really saying—maybe you all missed that—it would be well for us, to be sharp enough in the future, on both sides—to at least put aside our response after an address to make the punishment fit the crime, and not do the response before the speech and in the can, and distribute it so that it comes out after the speech, when the speech took on a totally different tone. That is part of what I am saying.

Prior to my remarks, I went to this fine majority leader, and I said: "I am going to say some things on the floor, and I hope you will be there because they are on my bosom and they might be considered hard, but they are certainly there."

And he, being the kind of a chap that he is, said, "I understand," with that marvelous grin, and the smile. And he gives as good as he gets. We should never be concerned about our leader. He is superman, and he always gives as good as he gets. He will be in here soon, and I want to stay alert; I would think he might. He has left some very fine surrogates here in the process. But I see that the Senator from Nebraska will be weighing in, so I will gird my loins for the full shot and stay until the day is done.

INTERNATIONAL TRIBUNAL TO TRY SADDAM HUSSEIN

Mr. COCHRAN. Mr. President, I think the colloquy so far has indicated that there are some sharp divisions in this body on some of the issues that have been discussed. Not wanting to change the subject or interfere with any other Senators who want to pursue this colloquy, I would just say that I have been here on the floor for the purpose of introducing a resolution today on which I hope we all can agree, and maybe it is a good time to bring it up so that we could refocus our attention on something that I think should galvanize the entire Senate and make us want to act in concert.

I am introducing today, Mr. President, a Senate concurrent resolution to urge that a forum be established with jurisdiction to ensure that Saddam Hussein will be made to pay a price for his criminal conduct in the Persian Gulf war. His reprehensive treatment of allied prisoners of war, his brutal treatment of innocent people in the illegal invasion and occupation of Kuwait, and his targeting of civilians in Israel with his weapons of terror cannot be tolerated by the world community.

This Congress should formally express its determination that, should Saddam Hussein survive this war, he will be brought to justice for his crimes.

The suffering that he has inflicted upon innocent civilians in Kuwait and Israel and upon allied prisoners of war requires a response by this Congress that goes beyond the recent approval of the enforcement of U.N. Security Council Resolution 678.

Justice demands the trial of Saddam Hussein by an international tribunal established by those nations whose men and women are risking their lives to end the oppressive occupation of Kuwait and terminate Saddam Hussein's repulsive reign of terror.

I invite all Senators, Democrats and Republicans, to join in cosponsoring this resolution.

I ask unanimous consent that a copy of the resolution and a copy of a letter to my colleagues further describing the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be appropriately received and referred.

The text of the concurrent resolution (S. Con. Res. 7) is located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

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

U.S. SENATE,
Washington, DC, January 30, 1991.

DEAR COLLEAGUE: Today I will introduce a concurrent resolution urging the President to work with the governments allied with us in the Persian Gulf War to establish an international tribunal with jurisdiction to judge and punish Saddam Hussein for conducting unprovoked war against Kuwait and Israel and for abusing prisoners-of-war.

Under the command of Saddam Hussein, the armed forces of Iraq have killed, tortured, and wrongfully detained the inhabitants of Kuwait and engaged in the wanton pillaging of that country. At his behest, hundreds of foreign nationals were detained for more than four months as hostages and "human shields" in Iraq and Kuwait. Iraqi missiles have been launched against civilian population centers in Israel. Saddam Hussein has openly promoted acts of terrorism against the United States and its allies. His stated intention to use U.S. and allied prisoners-of-war as "human shields" violates Geneva Convention provisions against interning prisoners near combat zones, and his abuse, exploitation, and public display of U.S. and allied prisoners-of-war violates Geneva Convention provisions on the treatment of such prisoners.

It is time for the United States and its allies to declare that Saddam Hussein will be brought to justice for these crimes. Through this resolution, the Congress will urge the President to work with our Persian Gulf allies to establish an international tribunal with jurisdiction to judge and punish Saddam Hussein.

If you wish to cosponsor this resolution, or if you have any questions, please do not hesitate to contact me or have a member of your staff contact Robert McArthur (4-6405) or Rich Golb (4-6414).

Sincerely,

THAD COCHRAN,
U.S. Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I had not intended to make remarks in this regard on the floor today. I hope I will not disappoint my friend and colleague from the neighboring State of Wyoming with what I am about to say. It is said without malice to anyone.

I only rose to speak because I am disappointed indeed, on coming onto the floor of the U.S. Senate, after reading the press wires immediately outside of the wall in front of which the Presiding Officer sits. Out there in that hall the news wires are coming forth with the stories of the first 12 ground combat deaths suffered by our forces within the last few hours.

The talk made by the President of the United States last night I thought was a good one, and I said so. The talk that the majority leader gave last night I thought was a good one.

I think this is not the time, nor is this the place, at this juncture, for us to be debating the merits or demerits of capital gains. I find myself not enthralled with the proposition that we would begin what could be described as partisan debate on such a subject at this juncture.

Whether or not we ever have a capital gains tax cut is the furthest possible thing from the mind of this Senator at this moment. I only hope we can quell partisan debate at this time when I think on the minds of all of us is something far more important than partisan considerations, at this moment.

Mr. President, I guess it can best be summed up by what I am going to read from the CONGRESSIONAL RECORD on Thursday, January 10. It was the open-

ing prayer of that opening day of debate on whether or not we should authorize hostilities after the now famous January 15 date. I talked that day, after the Chaplain gave this prayer. I am going to read parts of that very short prayer that I hope would permeate this body right now and stop any heated partisan debate which would, in my opinion, be improper at this particular stage of events.

Chaplain Halverson said at that time:

Eternal God, infinite in truth and justice, fill this Chamber with Your presence, Your light, today. Aware of the rebuke to Job and his loquacious friends: "Then the Lord answered Job out of the whirlwind, and said, Who is this that darkeneth counsel by words without knowledge?" (Job 38:1,2)—

The Chaplain went on to say—

and aware of the power of words to conceal as well as illuminate, to deceive as well as inform, to confuse as well as clarify, to kill as well as edify, grant to the Senators in their debate cool heads, warm hearts and economy of language. Protect the cosmic issue of war from being reduced to political pragmatism. Keep us sensitive to Your overruling providence in history and the possibility of divine intervention when frustration freezes to inaction.

To the glory of Your name and the doing of Your will. Amen.

Suffice it to say, Mr. President, I think those well thought out words of the Chaplain, of Wednesday, January 10, 1991, should prevail at this juncture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, the Senator from Nebraska and I came here the same year, and were sworn in the same day, and we had a great mutual friend in Gov. Ed Herschler of Wyoming, a Democrat by the way, and a lawyer of course—which has always troubled my friend from Nebraska, about those of us in the legal profession. We chuckle about that, but nevertheless, I have come to know him and enjoy his company and enjoy his friendship. We have done a lot of nice things together from baseball games to just the regular camaraderie of the Senate. I agree with everything the Senator has just said.

When I made my remarks I knew that they would be taken harshly and would be misunderstood, and that is why I told the majority leader I was going to make them. I expressed my feeling about "wretched excess" regarding his comments about Jesuit priests and the murder and the discussion of the fact that the children of people who earned over $100,000, or earned over $200,000, were not fighting over there. I was disappointed in those remarks. I really am and I remain so, and probably will always remain so.

So those are the things I have described here. And the prayer was a marvelous prayer. And recall, I never brought up capital gains. I never said anything about capital gains when I came in here to make my remarks.

I share the Senator's view totally. It is not appropriate to discuss it, even think about it, along with a lot of other things that we should not be discussing or thinking about while men in the ground forces are dying. We knew that would happen. No one knew it better than the Senator from Nebraska, who has been an old master sergeant back in his days in the Army.

So the Senate prayer was just, and to the same appropriateness as I felt with it.

I also remember the Senate prayer on the original swearing-in day. We should also reread that one: A powerful, powerful prayer which later on in the day was punctuated by contention in this Senate, not even participated in by those of us on this side of the aisle. And the majority leader handled that with great grace and patience.

So I just wanted to make that comment as to what I said and why I said it. I would not retract a word of it, but I want to get it in the proper context of why I was disappointed.

I specifically went through the remarks of our leader to emphasize that and said again, and I say again, I think it would be more effective for all of us—myself included—when we respond, that we do that after something has actually happened. My hunch is that our leader would not have quite done it that way. He would not have said it quite that way if he had been there in that Chamber and had then been asked to later respond. There would have been a little bit different cast to his remarks. That is my hunch based upon 10 years of knowing him. And I just say that is a hazard, and I expressed my disappointment, and I have done so, and I thank the Senator from Nebraska.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS].

OPERATION HOMEFRONT

Mr. BURNS. Mr. President, after the President's speech last night on the State of the Union and after the submission of a resolution by my good friend from Idaho, Senator SYMMS, we have started to organize in the State of Montana and to start to take to heart this resolution called Operation Homefront. It is a grassroots movement in the State of Montana, or will be, as we organize and organize more to express not only our support for the troops in the Persian Gulf, but also when it is over and when they come home, they come home to welcome arms.

Our men and women over there are the best-trained All Volunteer Force there is in the world. They are highly motivated, dedicated, and professional. They and their families have endured separation now for about 6 months. We will have to mobilize a national effort to let them know that they have the wholehearted support and recognition of this country.

Those of us who witnessed the support the Congress gave the President last night, a President who was interrupted by applause many, many times and standing ovations three or four times when talking about this situation we are in in the Middle East, the overwhelming response from Congress last night when the President referred to our troops is so indicative of the type of support that they enjoy today.

Mr. President, time wears on and we must start now to work to build that support in our communities. We must communicate that support to the troops in the Persian Gulf and ultimately transform that support when they come home.

Operation Homefront was kicked off in Idaho a couple of weeks ago, and I plan on kicking it off in Montana pretty soon. Its purpose is to get individuals, veterans organizations, churches, schools, service clubs—the entire community—involved in activities supporting our troops and, yes, more important, supporting those families who are left at home. Eventually, these volunteers will help coordinate that great big welcome home.

Last week, I joined Senator SYMMS as an original cosponsor of Senate Resolution 17 expressing the Senate's support of Operation Homefront. I hope that the Senate will consider it quickly and agree to it quickly. It is a resolution, after last night and what is happening in the Middle East, whose time has come. I hope my colleagues will support it and agree to it as quickly as this body can.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ADAMS. Mr. President, I ask unanimous consent that I may proceed as in morning business for 2 minutes.

The PRESIDING OFFICER. The Chair reminds the Senator the Senate is in morning business. The Senator is so recognized.

CONDOLENCES TO ISRAELIS

Mr. ADAMS. Mr. President, we have had a number of comments in the long debate on the Persian Gulf. But one situation I do not believe needs more attention paid to is the unprovoked Iraqi attacks on Israel. I would like to take this opportunity to express my condolences to the families in this

country who have relatives in Israel, and for the Israeli people who have suffered attacks from Iraq, even though their country is not involved in the war in the Persian Gulf.

I hope that others of my colleagues might join me during the course of the next week to express our concern and sympathy for those Israelis who have suffered damage and in some cases death in their families from Iraqi Scud missiles.

It is important that we acknowledge and commend the people of Israel, a nation that is capable of defending itself and of taking various forms of retribution, but which so far has decided against taking such action. Israel has not become militarily involved in this war, and I hope it will continue to show such brave restraint.

During the earlier debate on whether the United States should resort to war against Iraq, I expressed the concern that the conflict could spread to Israel. Saddam Hussein has tried to draw Israel into this war, but the Israelis have been very patient. And I rise today to express my condolences to the families in this country who have relatives in Israel and to the Israeli families who have suffered losses both materially and in human life under the Iraqi attacks during this war.

Mr. President, I yield back my time.

Mr. GORE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AFTER THE WAR

Mr. CHAFEE. Madam President, this afternoon briefly I would like to discuss an important issue I believe we should be mindful of as we focus much of our attention on the news from the war front in the Persian Gulf. This issue is what preparation and planning should we undertake to ensure that we win the peace with Iraq, not just the war.

It is important to note that even while our armies were fighting the Axis powers in World War II, nearly 50 years ago, political leaders in the United States during that war, our political leaders in the United States, Great Britain, and the Soviet Union went to considerable lengths to discuss their objectives for a now postwar world order.

Historians can certainly quarrel over the conferences that took place, during the war, at Tehran, at Yalta, and at Potsdam, but there is no disagreement that at those meetings the postwar structure of Europe was designed. At Bretton Woods, in New Hampshire, during the war our political leadership discussed the nature of the postwar international economic institutions for the free world.

In the gulf war, although the primary objectives of the allied powers are clearly the withdrawal of Iraqi forces from Kuwait, a secondary object, it seems to me, should be that there be regional stability after the conflict ends.

At least at the outset it appears that the allied powers would have been satisfied with Saddam Hussein remaining in power so long as he withdraw from Kuwait. With the new development of potential war crimes being perpetrated against allied prisoners of war, the survival of the Saddam regime may no longer be tolerable.

For example, under article 19 of the Third Geneva Convention, to which both the United States and Iraq are signatories, it starts therein, "Prisoners of war shall be evacuated, as soon as possible after, their capture, to camps situated in an area far enough from the combat zone for them to be out of danger."

Saddam's announcement last week that captured allied pilots had been sent to potential target sites and in fact may have been killed by allied bombing raids could be a clear violation of the Geneva Convention referred to.

Moreover, it is also possible that the launching of Scud missiles against civilian targets and the release of millions of barrels of oil into the Persian Gulf may constitute a war crime.

As we examine the prospects of a postwar Iraq, it appears that the United States should be focusing on one primary goal, the establishment of stability and tranquility in the region. Indeed, this is what the President referred to last night in his State of the Union Message.

The first part of this equation relates to the structure and the power of the Iraqi Government. Regardless of who controls the eventual postwar Government of Iraq, the key will be whether Iraq has been totally debilitated. In order for there to be regional stability, Iraq must remain a counterweight to Iran, which has also shown a penchant for war and in fact an appetite for interfering in the internal affairs of its neighbors.

This critical objective presents the allied powers with a tremendously difficult balancing act. On the one hand, the allied forces must inflict sufficient damage on the Iraqi military structure to force a withdrawal from Kuwait. That is our first goal: Get him out of Kuwait. On the other hand, there is a need to preserve Iraq as a viable nation after the conflict ends so it can defend itself against its neighboring nations. A power vacuum in the area which would draw, quite possibly, Iran, Syria, and the Kurdish people and even potentially Turkey into competition for domination of Iraq, it does not seem to me, would help anyone.

The second part of the postwar equation is finding a way to break the impasse between Israel, the Palestinians, and Israel's Arab neighbors over the territories Israel occupied after the 1967 war. First, it should be stated that this dispute is in no way related to the war with Iraq, and the President is absolutely correct in resisting Iraqi attempts at linkage.

The peace which follows the current war will provide an opportunity for Israel to reach out to the Palestinians. While it is true that most Palestinians have embraced Saddam and his unprovoked attacks on Israel, peace could strengthen the hand of Palestinian moderates who seek a political accord with Israel. This is not guaranteed, of course, but the possibility is there.

The military and political cooperation between the United States and Syria against Iraq could set the stage for compromise on the Arab-Israeli issues.

It is unique and perhaps unforeseen that the United States and Syria are cooperating in this effort against Iraq. As the principal frontline state still at war with Israel, Syria's entry into the mainstream of world politics if, indeed, we can call this participation, in the Allied forces in Saudi Arabia against Iraq, hopefully—again, I have to stress the word "hopefully"—could in the future further the peace process.

The decision to station American soldiers with the Patriot missile system has engendered a tremendous outpouring of favorable sentiment by the Israeli people. I think we all recognize that and appreciate it. There also has been renewed good will between the United States and Israel in the aftermath of the Israeli decision not to retaliate against Iraq for the Scud attacks.

These factors present the United States with the opportunity to play a critical role for cooperation on Arab-Israeli issues. Most notably, being confident in the United States as a friend of Israel allows that country, Israel, to be bolder and to consider making serious concessions to the Arabs in the efforts for peace.

While our servicemen and servicewomen ensure that we achieve victory on the battlefield, it is my sincere wish that our political leaders continue to work to prevail in the aftermath, to prevail after this war is over. From the ashes of destruction, we must hope that a more peaceful and stable world will emerge, and particularly a more peaceful and stable section of the world in the Persian Gulf area.

I thank the Chair.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Madam President, our objectives in war and our objectives for the time that will follow this war are closely related, each affecting the other. How we prosecute this war and the manner in which it is concluded will seriously influence the postwar environment.

Conversely, our objectives for the postwar environment ought to have their due influence on how we fight the war. Despite the natural tendency to focus our attention on the news of the day, this is the time to be thinking these matters through carefully. If we fail to do so, we may well lose the larger objective of this war, even while winning all of the significant battles.

The successes so evident on day one of this conflict came not only because of the technology of the weapons we employ, but also because of 5½ months' worth of very careful, meticulous planning to select targets, rank them according to priority, to map the approach routes, and to plan the different waves of the attack, and so forth.

Is it impossible to imagine that we might take that degree of care in planning our efforts to win the peace after the war has been concluded? Just as day one of the war was significant in shaping the future course of the war, day one of the peace following the war will be significant in shaping our options during that period of time.

Therefore, Madam President, I rise today to share with my colleagues some thoughts, questions, and preliminary views on these problems. Let me begin by asking what might seem to be the simplest of questions: When will the fighting stop? What I mean by that is under what circumstances will we conclude that it is time for the fighting to stop?

We are not seeking the surrender of Iraq. That has been made clear. No one in a position of responsibility is talking about the conquest of Iraq.

The President continues to state U.S. objectives in terms precisely limited to those which have been endorsed and legitimized by the U.N. Security Council resolutions: Essentially that Iraqi forces must be ejected from Kuwait since Saddam Hussein would not comply with the January 15 deadline.

Yesterday's United States-Soviet communique adds a possible cease-fire, but only to permit prompt Iraqi withdrawal from Kuwait if, even now, Saddam Hussein should decide belatedly to comply with the demands of the Security Council. That, however, is not a new departure, but rather a perfectly reasonable amplification of what we intended. Our position seems on the surface to be straightforward and correct.

It is doubtful that the conquest of Iraq is anything that this Nation would ever want to seek. Even if it were adopting that as a stated goal, it would be a terrible mistake, for reasons we can all certainly see clearly. Any effort to expand our objectives so as to include the military conquest of Iraq would certainly blow apart the core of international consensus upon which all else depends. Arab public opinion would be inflamed to a point endangering not only the ability of moderate Arab governments to cooperate with us, but also their ability to survive. That much seems clear and accepted.

But our position, as it stands, on exactly when and under what circumstances the war will be brought to a conclusion, is not quite as straightforward as it might seem to be on the surface.

For example, Madam President, U.N. Resolution 678, which authorizes the use of force, refers back to the first U.N. resolution on Kuwait, Resolution 660, which demanded that Iraq withdraw all its forces to "the position in which they were located on 1 August 1990."

Madam President, as I recall, as early as the end of July, Iraq had tripled the number of troops just along the Kuwaiti border up to 100,000 men, and then augmented that force steadily throughout the remainder of July. By August 1, there were perhaps two to three full corps of Iraqi troops just north of Kuwait, along with hundreds of tanks.

So should we understand, Madam President, that our international mandate and our position to conduct military operations according to that mandate expires if and when we roll Saddam Hussein's armies back to the point where they stood one day before he swept through Kuwait?

Or if Saddam were at any time to pick up the recent offer of a cease-fire and retire in good order back to these positions, with hundreds of thousands of soldiers armed to the teeth, seething with anger and resentment, poised on the border of Kuwait, would we, under those circumstances, declare that the mandate for prosecting this war had instantly dissipated, and then immediately begin the process of bringing our troops back to the United States? Would that be the end of it? Would that be the end of the war? Could our troops leave the region under those circumstances?

As our position is currently defined, those are the circumstances which define conditions consistent with the end of the war in the terms of the U.N. resolution.

Let us look again at the language of U.N. Resolution 678, because it contains some other very interesting language. The resolution authorizes member states, after January 15, to use all necessary means to uphold and implement past Security Council resolutions and restore international peace and security in the area.

What, Madam President, might this final bit of language mean? What might we have to do to really restore international peace and security? How far will the coalition be able to follow the possible implications of those words? How far would the broader international consensus stretch?

These are not academic questions. We may be assuming that at some point in this conflict Saddam Hussein will be overthrown, or at some point he will declare that he is completely through with his ambitions over Kuwait.

But, Madam President, those circumstances may not emerge. We may, instead, find at some point down the road that, indeed, every square inch of Kuwait has been freed of Iraqi troops, but we may still see a military presence along the border of Kuwait, which gives evidence of Saddam's continuing ambitions toward Kuwait.

By the time this war reaches that point, there may well have been a massive ground conflict. I hope not, and I hope that we will not see heavy U.S. casualties; but that is, unfortunately, a possibility, and within the last 24 hours, the first ground casualties have been reported.

Also, the threat of chemical warfare on a large scale hangs over that battlefield and over every solider on the battlefield. So, too, does the threat of biological warfare. If we have to pay in this kind of coin to serve the new international order, I submit we must immediately turn our attention to exactly how the war is to be terminated and the true requirements for international peace and security.

Madam President, we need to give serious thought to the circumstances we want for ourselves after the war is over. War may not produce those circumstances for us. War may not even make it easier for them to be attained. On the contrary, war may make them harder or even impossible to achieve, but we must at least begin with the right questions. What do we want to see?

Above all, it seems to me that the United States needs an outcome minimizing the amount of exposure we must subsequently accept in the Middle East. Certainly, we will be heavily involved for a long time to come, but our ultimate objective must be control of our own agenda as a nation. That cannot happen if we must remain indefinitely mortgaged to the Middle East and its crises.

In particular, we need to be as certain as possible that Iraq will not soon be able to challenge the peace again in a way that could conceivably force us to consider returning our forces to the region in large numbers. We must have an aftermath which makes that possibility outside the range of what could occur.

To realize that objective, we need stability among moderate Arab governments, stability reflecting the strength to bear the political pressures arising from their association with us. The need for stability embraces not only the oil wealthy States such as Saudi Arabia, Kuwait, and the gulf emirates, but also the economic "have nots," such as, most prominently, Egypt.

Although their problems are different, these governments now have a common interest in each other's survival. This common interest must become the foundation for close cooperation after war. We also need a local postwar balance of power that minimizes the chance of serious trouble from Iraq for the foreseeable future, reduces the potential for future difficulties arising from Iran and Syria. And that provides for the security and stability of Turkey, whose value to us as an ally is one of the important lessons of this war.

Of course, we need to assure Israeli security, considering not only its military but also its economic dimension. In the search for a solution to the Israeli-Palestinian problem, we should drop the confrontational tactics the administration has employed diplomatically, but we must continue and even intensify our efforts.

Given there requirements, what can be said about the way in which we prosecute this war, and the way we deal with our concerns and interests, our assets and liabilities in the aftermath of the war? There is a view that says it is important to us that Iraq emerge from this war as little damaged as possible, in terms of its military forces, and even sometimes, I have heard it said, in terms of Saddam Hussein's ability to remain in power.

According to this view, the more serious the damage to Iraq, the more likely it is that we will then have to face very dangerous behavior on the part of Iran, Syria, or both, as they attempt to fill a power vacuum created by the destruction of Iraq. Saddam Hussein's obduracy makes this option seem increasingly theoretical with each passing day. An effort to crush Iraqi ground forces already is underway from the air and shortly may begin in earnest on the ground.

I am among those who hope very deeply that we will not have to engage in a massive ground war. And I hope that we will give every chance to the air war and its potential for avoiding the ground combat, which, as I said before, unfortunately, may soon have to begin.

At the other end of that process, Iraq will certainly have sustained enormous damage. Barring a strategic retreat from Kuwait, much of Iraq's military force will have been demolished. The Iraqi economy will be in shambles. Saddam Hussein himself may, hopefully, have been removed, and with him the force that held the Iraqi Baath Party together will be gone. Short of that, he will preside over the residue of this military force in an Iraq surrounded by enemies.

Some may regret this outcome, afraid of the consequences for meaningful stability, if Iraq emerges from the war weakened, factionalized and subject to external manipulation, if not intervention.

I am not convinced that we should go to any extraordinary lengths to assure Iraqi military power or political continuity. On the contrary, in my opinion, if we are to have stability in this region, Iraq's ability to threaten its neighbors or anyone else in the region must be cut down to size and kept that way for as long as possible. To the extent that Saddm Hussein increases the chances of this outcome by refusing to yield, we should not necessarily regret that, but rather, plan to build a strategy on that basis.

Let me be clear then about what we want. The removal of Iraqi forces from Kuwait is enough to warrant a suspension of combat operations. That is clear. I am not suggesting otherwise, but I am asking, however, whether we can tolerate a situation in which Iraq is left free to plot its revenge within the sanctuary of its borders in a condition that is neither war nor peace.

Madam President, we cannot hold massive United States forces in and around Kuwait for an indefinite period of time. After our forces have been reduced, we may not be able to easily return again to such numbers as presently. A large Iraqi military force intact and under unrepentant leadership, with commerce restored and full access to billions of dollars of oil revenue, does not bode well and should not be an acceptable outcome to this war.

So, Madam President, we are led to ask an obvious but very delicate question: Do we end this war on the simplest of all terms, regardless of the implications for the future, or do we try to bring about an end to hostilities under conditions that we have defined, that we can monitor, that we can enforce? What should these terms include? Would it be unreasonable to require, for example, to take a minimum case, the return of all allied prisoners of war? That would not appear to be in the U.N. resolution, but it would appear to be, obviously, a condition that we would demand as part of the terms for ceasing hostilities. What about a standdown of Iraqi military forces? What about a return not just to their August 1 positions on the border of Kuwait, but a return to the premobilization positions? What about the demobilization of reserve units inside Iraq?

What about the creation of a large internationally policed demilitarized zone just above the border between Kuwait and Iraq? Under what conditions, Madam President, could the international consensus consider a clearer definition of the exact conditions that would justify an end to the activity of combat now underway?

Is the future size of Iraqi ground and air forces of no concern after Kuwait has been liberated? Shall we, having been exposed to the threat of weapons of mass destruction, turn our backs on future Iraqi efforts to recoup their losses? Or should we be seeing to bar them from access to nuclear materials and nuclear technology, to demand full international inspection in demand of any industrial, scientific, or military facility thought to be able to support chemical or biological weapons production? And should we not seek to eliminate the vestiges of their space program, whether military or civil?

But suppose Saddam Hussein is overthrown? Well, some would say that perhaps then we could accept a relatively high degree of ambiguity on the assumption that his special personal qualities as a tyrant and threat to peace will not be easily replicated. Doubtless, among the exiled Iraqis, one can find survivors who are people of virtue and wisdom, but it is hard to see how these individuals might come to power unless we were to install them, and that would require the conquest and occupation of Iraq, which is not in prospect and should not be in prospect.

So, short of such an eventually, can we consider the emergence of a government in Iraq that we or any other powers in the region can trust? Those who have studied the Iraqi Baath Party and the structure of this government that Saddam Hussein put in place wonder whether or not that is possible. Iraq is a nation which, based on its record in recent history, may not soon be governable except by despots whose stock in trade is xenophobia. Therefore, our objective, whether or not Saddam Hussein survives, should be to ensure that Iraq remains incapable of posing a serious offensive military threat to its neighbors.

There is, of course, some talk of arms control proposals, including the proposal recently advanced by Israeli Prime Minister Yitzak Shamir. Such concepts may eventually be useful, but I seriously doubt that any real progress along these lines is likely to occur until after a political settlement, including general Arab recognition of the legitimacy of the State of Israel. Meanwhile, we need something upon which we can rely to prevent Iraq from regenerating the military capabilities it is now in the process of losing.

A more likely approach, and one that has been mentioned in a number of analyses, is to create some kind of institution on the order of the Cocom, to control exports of weapons and military-related technology to Iraq. That is certainly an avenue we should vigorously explore. In the aftermath of the

cold war, it turns out the Cocom mechanism did better than many had believed possible in denying the Soviet Union and the Warsaw Pact countries access to militarily important technologies. It is a success upon which we should build.

Of course, Cocom took shape in the shadow of the Soviet threat at its most imposing. It existed because of a strong, common bond of fear and self-interest among the participants, a bond strong enough to overcome their normal interest in selling any product to any buyer. No such consensus has ever existed with respect to any other region of the world, but that may have changed—and I hope it has.

Perhaps, for example, the French, whose military forces in the gulf must now face some of the very same equipment France sold to Iraq, have learned a lesson. Perhaps the Germans, who have done more than anyone else to arm Iraq with chemical weapons and to advance Iraq's efforts to acquire nuclear weapons, will now recognize where their true interests are. I do wonder. Perhaps the Soviets, who helped make Iraq into a military Frankenstein, will have learned something from the experience. Perhaps our own authorities and political leaders will not be tempted to back leaders like Saddam Hussein for misplaced reasons of state or the desire to compete in a lucrative market, no matter the consequences.

But do not count on it. Certainly, do not count on it unless the United States also makes it crystal clear that there is one and only one choice for all these corporate amoralists doing business with Iraq in the future: The penalty of losing any ability whatsoever to do business with or through the United States Government. And for those of our own businessmen who get caught: back-breaking fines and long prison sentences.

Even so, Madam President, we may need something more certain. It is time to begin exploring other options. What will happen to the flow of oil from Iraq through Saudi Arabia and through Turkey in the immediate aftermath of this conflict? Is there a mechanism the international community could consider for enforcing the use of some of the revenue which comes from that oil for the cleanup of the environmental damage Iraq has intentionally caused, for reparations paid to those who have suffered because of Saddam Hussein's aggression? These are questions which need to be explored, Madam President, and with some creativity.

Far from being a requirement for regional stability, a militarily strong Iraq will be a threat to that stability. What we need is an Iraq too weak to threaten a postwar force that we can hope to assemble out of the moderate oil states, plus Egypt, with ourselves only in the role of backup. A weak Iraq, cordoned off from further access to weapons and advanced military technologies is the basis for secure eastern borders for Syria, secure western borders for Iran, and secure southern borders for Turkey. It is the basis for Jordanian security in the future, and it is a vital component of Israel's security as well.

No matter what the outcome, we will have to worry about Iran and Syria, which may either have designs on Iraq or concerns about each other's intentions that will cause them to grapple for influence over the future of Iraq. Perhaps they will, for their own convenience, agree that it is in their mutual self-interest to avoid mischief in Iraq. This should be our first hope, and we ought to have in place a diplomatic program that makes this outcome possible. To the extent that Syria and Iran want to participate in the construction of a more stable postwar system, so much the better. But there are reasons for concern and dangers to guard against.

President Assad of Syria has longstanding ambitions to be the dominant force in his region, based on the same grosspolitik that has enabled him to swallow up Lebanon. Iran intends to be the region's dominant force, even though it is not an Arab State, on grounds of its claims to Islamic purity.

We cannot afford to let either of these ambitions be realized. This means that in the aftermath of war we must not stumble into the next in the long series of mistakes we have made in the Middle East: We must not, in other words, assume Haffez Assad's goodwill after the war, and we certainly must not make it easier for him to aggrandize himself in its aftermath. Certainly, it would be absurd for the United States to become his arms supplier or for Saudi Arabia to bankroll him extravagantly, as they once did Saddam Hussein. We will obviously have some influence in this matter, and we must be prepared to use it.

As for Iran, we must regard that country as the biggest single beneficiary of this war and the biggest potential postwar threat to regional security. Iran already has demanded that the United States totally withdraw from the region after conclusion of the war. We should be extremely cautious about provoking Iran because of the utterly irrational foundation of its political life.

As I have said, to the extent that Iran shows an interest in a major constructive role, we need to encourage that. Indeed, some of Iran's statements seeking to explain the recent puzzle of Iraqi warplanes taking refuge within its borders have had a responsible tone. But at the conclusion of this war, it would be folly to make preemptive concessions to Iran by simply vacating the Middle East, as they belligerently demand.

I would like to turn next, Madam President, to the question of Israel and the occupied territories. It is very much to President Bush's credit that he has resisted all sorts of blandishments to avoid war by trying to strike a deal at the expense of Israel. But he is already subject to pressure to pay for the peace in the same coin. We hear from many voices that an Israel-Palestinian settlement should be imposed on Israel as soon as possible after hostilities end. That is an idea whose assumption needs to be examined and I believe rejected.

Every day that Israel refrains from responding to Iraqi provocation is a day they place the lives of their own people on the line in order to shield our forces from the risk of political chaos among our Arab coalition partners. We owe them something better than going back after the war to the policy of trying to get them to negotiate on terms not at all of their choosing. The Palestinians have gone very far to demonstrate that the goal of peaceful coexistence with Israel is a chimera. We may appreciate the origins of their behavior and understand something about the frustrations that feed it, but all of us had better realize it is nonetheless a menace.

However, Madam President, it is also vital for us to realize that in the aftermath of this war, the Government of Israel may itself be in a position to dramatically advance the cause of peace. The PLO will have lost influence and support among the governments that make up the coalition. These same governments hold many of the elements of a peace agreement involving Israel and the Palestinians, and they may never again be so keenly interested in having that matter settled for reasons of their own security. The governments of the coalition are in a position to come to terms with Israel, and to make it clear to the Palestinians that the time to accept a settlement has come.

To say it plainly, this may be the one time when an Israeli peace initiative, perhaps worked out initially with Egypt as the go-between, might work. The stakes would be huge, involving local Palestinian autonomy, Israeli security interests in the West Bank, and the interests of both Israel and Syria in the Golan Heights. But the reward could be peace on terms acceptable to the governments of the region, including principally Israel. And that would be the sweetest retribution to exact from Saddam Hussein.

Madam President, it seemed apparent to many that during the Iran-Iraq War, with Syria behind the eight ball in the Arab world for having been such a strong supporter of a non-Arab nation, with Iraq otherwise occupied along with Iran, obviously, in the war, that

the conditions then were propitious for an initiative seeking a more stable and peaceful outcome to the Israeli-Palestinian conflict. Some opportunities then were missed.

In the aftermath of the Iran-Iraq War, the geopolitical balance changed dramatically, and many of the problems we have seen emerged in the vacuum that resulted. In the immediate aftermath of this present ongoing conflict, the geopolitical balance will once again change in a way which at least for a time will create conditions that are conducive to an Israeli peace initiative. The timing and judgment exhibited by Israel in deciding not to reflexively respond militarily to the Iraqi's reprehensible Scud attacks is the same kind of judgment, wisdom, and timing which now ought to be brought to bear in the construct of a peace initiative in the immediate aftermath of this conflict.

We shall not have the peace of God in the Middle East. If we are lucky and smart, however, we can have a balance of power that might in time lead to normalized relations. There has been much counsel that this war would inescapably lead us to a future so dangerous as to make us yearn for the past: Saddam Hussein and Iraqi occupation of Kuwait, included. I disagree. There may be better opportunities to secure the peace.

It would be folly to ignore the many uncertainties and dangers we will face even after this war is over. Nevertheless, just as we entered combat aiming to win the war and planning to do so, we must also enter the period that follows war, aiming to win the peace, and having planned boldly to do so.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Texas [Mr. GRAMM] as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 102d Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Alaska [Mr. STEVENS] as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 102d Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Montana [Mr. BURNS] as vice chairman of the Senate delegation to the Interparliamentary Union during the 102d Congress.

IN SUPPORT OF S. 270

Mr. AKAKA. Madam President, I rise today to urge the Senate to enact legislation requiring the administration to provide Congress with full and accurate accounting of the cost of Operation Desert Shield and Operation Desert Storm.

At a time when American service men and women are actively joined in combat, I intend to support the appropriations necessary to safeguard their well-being. I do not intend to let our soldiers down.

However, Congress and the American people have a right to know how we will pay for the cost of this war. Although not as grave as the decision to commit the country to war, the decision of how to pay for Desert Storm will have consequences well beyond the end of the armed conflict.

One need only recall the economic stagnation following the Vietnam years to realize the importance of the decision that must be made. Americans have a right to know the cost of this war, not only in terms of lives lost, but also in terms of dollars and cents. Estimates of the war's costs are running as high as $1 billion a day. The American people must understand that the conflict in the Persian Gulf will have a direct and meaningful effect on each household.

Long after the hostilities come to an end, the bill for this war will still be with us. Our troops can be certain that Congress will provide the funds to support their efforts. But, Congress must know the costs in order to make the difficult decisions of how to pay for this effort.

Madam President, the need for this information motivates me to rise today to support S. 270 introduced by my distinguished colleague from Iowa, Senator GRASSLEY. S. 270 would require the President to submit periodic reports to Congress specifying the amount of obligations incurred and expenditures made in connection with Operation Desert Shield and Operation Desert Storm.

I also rise today to call on President Bush to aggressively continue efforts to ensure that our allies pay their fair share of Desert Storm's costs. The contributions of some countries have been very generous. But without an accurate account of the war's full costs, we have no way of telling whether theirs is a fair share. Allies, like the Germans and Japanese, are more reliant than the United States on Middle East oil.

Because these allies have not committed troops to restoring peace, we should expect them to pay a significant portion of the costs of Desert Storm. S. 270 will enable the American people to track the administration's success at achieving greater burden sharing. This legislation would require regular reports on our allies' efforts to meet their obligations and pledges of support to the war.

Madam President, S. 270 is responsible legislation that I hope will be adopted in short order.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IMPLEMENTATION AND EFFECTIVENESS OF UNITED STATES-CANADA FREE-TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 304(f) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100–449; 102 Stat. 1875), I am pleased to transmit the attached report pertaining to the implementation and effectiveness of operation of the United States-Canada Free-Trade Agreement (FTA) in its first 2 years.

GEORGE BUSH.

THE WHITE HOUSE, *January 30, 1991.*

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 555. An act 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; and

H.R. 556. An act 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.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 555. An act 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; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 20. An original resolution authorizing expenditures by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. Res. 21. An original resolution authorizing the expenditures by the Committee on Environment and Public Works; referred to the Committee on Rules and Administration.

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. BRADLEY (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. WALLOP, Mr. SYMMS, Mr. GRASSLEY, Mr. CHAFEE, Mr. BURNS, Mr. BURDICK, Mr. GORTON, Mr. MCCAIN, Mr. SARBANES, Mr. HARKIN, Mr. HELMS, Mr. ADAMS, Mr. THURMOND, Mr. BOND, Mr. SHELBY, Mr. GRAHAM, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. DANFORTH, Mr. DECONCINI, Mr. FORD, Ms. MIKULSKI, Mr. CRANSTON, Mr. LEVIN, Mr. BAUCUS, Mr. KERREY, and Mr. BREAUX):

S. 284. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

By Mr. AKAKA:

S. 285. A bill for the relief of Imelda Villanueva Locquiao; to the Committee on the Judiciary.

S. 286. A bill for the relief of Ikechukwu J. Ogujiofor, Joy I. Ogujiofor, and Godfrey I. Ogujiofor; to the Committee on the Judiciary.

S. 287. A bill for the relief of Clayton Timothy Boyle and Clayton Louis Boyle, son and father; to the Committee on the Judiciary.

By Mr. DIXON (for himself, Mr. BOREN, Mr. SANFORD, and Mr. DECONCINI):

S. 288. A bill to establish a series of 8 Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States; to the Committee on Rules and Administration.

By Mr. GARN (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. ROBB, and Mr. GLENN):

S. 289. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. CONRAD, Mr. BURDICK, and Mr. COCHRAN):

S. 290. A bill to establish an Indian Substance Abuse Program, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. MCCAIN:

S. 291. A bill to settle certain water rights claims of the San Carlos Apache Tribe; to the Select Committee on Indian Affairs.

S. 292. A bill to expand the boundaries of the Sanguaro National Monument; to the Committee on Energy and Natural Resources.

By Mr. HEINZ:

S. 293. A bill to reduce the cost of the savings and loan crisis and to maximize the recovery of funds on behalf of the American taxpayer by providing the RTC and FDIC a priority relating to its claims against officers, directors and others responsible for losses at insolvent federally insured financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUMPERS (for himself, Mr. BOREN, Mr. REID, Mr. BRYAN, Mr. CRANSTON, Mr. DASCHLE, Mr. CONRAD, and Mr. DIXON):

S. 294. A bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process; to the Committee on Rules and Administration.

By Mr. DODD:

S. 295. A bill for the relief of Mary P. Carlton and Lee Alan Tan; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. SIMPSON, and Mr. SIMON):

S. 296. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years; considered and passed.

By Mr. HEFLIN:

S. 297. A bill requiring that the U.S. Postal Service study and report to Congress on ways to encourage mailers of second-class and third-class mail matter to use recycled paper; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 298. A bill for the relief of Maria Eduarda Lorenzo; to the Committee on the Judiciary.

By Mr. DODD:

S. 299. A bill to authorize activities for bank holding companies, to authorize additional powers for safe bank holding companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself and Mr. SANFORD):

S. 300. A bill to permit interstate banking; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. SPECTER, and Mr. BYRD):

S. 301. A bill to amend the Trade Act of 1974 to strengthen and expand the authority of the U.S. Trade Representative to identify trade liberalization priorities, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 302. A bill for the relief of Ibrahim Al-Assaad; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 303. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

By Mr. HATCH:

S. 304. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve protections against eviction and distress; to the Committee on Veterans Affairs.

By Mr. KERRY (for himself, Mr. D'AMATO, Mr. RIEGLE, Mr. GARN, Mr. METZENBAUM, Mr. GRAHAM, Mr. BRYAN, and Mr. DIXON):

S. 305. A bill to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses, to amend chapter 53 of title 31, United States Code, to require the Secretary of the Treasury to issue regulations concerning the identification of nonbank financial institutions subject to the Bank Secrecy Act, to prohibit illegal money transmitting businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. BOND, and Mr. LIEBERMAN):

S. 306. A bill to amend the Export-Import Bank Act of 1945 to permit the Export-Import Bank to assist in the export of certain U.S. defense articles and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RIEGLE:

S. 307. A bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. HEINZ, Mr. MCCAIN, Mr. REID, Mr. CRANSTON, Mr. SARBANES, Mr. MACK, Mr. SHELBY, Mr. BURDICK, Mr. DECONCINI, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. GLENN, Mr. BOREN, Mr. DIXON, Mr. LEAHY, Mrs. KASSEBAUM, Mr. HATCH, Mr. GORE, Mr. SANFORD, Mr. ROBB, Mr. CONRAD, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. WARNER, Mr. BIDEN, Mr. AKAKA, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. STEVENS, Mr. SIMON, Mr. COHEN, and Mr. PELL):

S.J. Res. 53. Joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

By Mr. DIXON (for himself and Mr. SIMON):

S.J. Res. 54. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. CHAFEE, and Mr. KERRY):

S.J. Res. 55. Joint resolution commemorating the 200th anniversary of United States-Portugese diplomatic relations; to the Committee on the Judiciary.

By Mr. KASTEN (for himself, Mr. LEVIN, Mr. DOLE, Mr. SYMMS, Mr. HEFLIN, Mr. WARNER, Mr. MOYNIHAN, Mr. DIXON, Mr. KERRY, Mr. RIEGLE, Mr. BURDICK, Mr. GRASSLEY, Mr. SANFORD, Mr. SHELBY, Mr. SIMON, Mr. INOUYE, and Mr. DECONCINI):

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week"; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 57. Joint resolution to designate the month of May 1991, as "National Foster Care 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. PELL:

S. Res. 20. An original resolution authorizing the expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. BURDICK:

S. Res. 21. An original resolution authorizing the expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. D'AMATO (for himself, Mr. HELMS, Mr. SMITH, Mr. DECONCINI, Mr. WALLOP, and Mr. LIEBERMAN):

S. Res. 22. Resolution to urge the President to grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 23. Resolution to authorize Michael Kinsella to testify before a grand jury; considered and agreed to.

By Mr. COCHRAN (for himself, Mr. LUGAR, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, and Mr. SIMPSON):

S. Con. Res. 7. Concurrent resolution urging the establishment of an international tribunal with jurisdiction to judge and punish Saddam Hussein for offenses committed against the citizens of Kuwait and Israel and against prisoners-of-war; to the Committee on Foreign Relations.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. WALLOP, Mr. SYMMS, Mr. GRASSLEY, Mr. CHAFEE, Mr. BURNS, Mr. BURDICK, Mr. GORTON, Mr. MCCAIN, Mr. SARBANES, Mr. HARKIN, Mr. HELMS, Mr. ADAMS, Mr. THURMOND, Mr. BOND, Mr. SHELBY, Mr. GRAHAM, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. DANFORTH, Mr. DECONCINI, Mr. FORD, Ms. MIKULSKI, Mr. CRANSTON, Mr. LEVIN, Mr. BAUCUS, Mr. KERREY, and Mr. BREAUX):

S. 284. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

TAX TREATMENT OF PAYMENTS FOR CERTAIN LIFE INSURANCE PREMIUMS

Mr. BRADLEY. Mr. President, together with 30 of my colleagues, I am introducing legislation which can help to ease the financial burden on terminally ill persons, giving many of them the freedom to choose how to confront and pay for the special care often required in the last year of a person's life.

The living benefit is a feature introduced over the past year by many for the Nation's leading life insurance companies. It allows individuals who are certified by a physician to have a terminal illness or injury, which can be reasonably expected to result in death within 12 months, to receive the proceeds of their contracts prior to their death.

These efforts have been widely praised, but their benefit is diminished because of a tax problem. Section 101 of the Tax Code provides an exclusion for benefits "paid by reason of the death of the insured." Although proceeds paid at death are clearly tax free, the Internal Revenue Service has not yet ruled on whether accelerated benefits get the same treatment.

In other words, if you cashed in and got your payment out in the last year of your life, that would be a taxable event and you would have less of your benefit. If you died, of course, there would be a tax-free death benefit.

This bill that we are introducing today makes clear that in one specific case—a terminal illness—early life insurance payments are tax free. Because the benefits would normally be paid to survivors within a year anyway, there is virtually no significant cost to the Federal Government. But the enactment of this provision will make the lives of the terminally ill individuals much, much easier.

Another issue our bill addresses is a potential problem airising for individuals who do not choose the early payment option. If the mere availability of these accelerated benefits is treated as income, it could affect eligibility for other programs, such as Medicaid. It would not be fair to force the terminally ill to choose between their own welfare and the future welfare of their survivors. This bill amends the Social Security Act to ensure that policyholders are not compelled to elect prepayment of death benefits in order to become eligible or remain eligible for Federal means-tested programs such as Medicaid.

To date, 45 States have passed legislation excluding the living benefit when calculating State income taxes. These measures have been supported by the insurance industry, hospice and cancer societies, public policy analysts, Members of the Senate from both sides of the aisle, and most importantly—the patients and family members who must deal with both the emotional stress of confronting a terminal illness, and the financial concerns which result. This is not a complicated issue. It is a small but important step to increase the options for individuals and families facing a host of difficult decisions.

In summary, the legislation I have introduced today with 30 cosponsors will clarify the tax treatment of accelerated death benefits to Americans who need financial help at a most critical time, the last year of their life. Having access to these funds before death could mean the difference between dignity and despair for many terminally ill people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 284

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

SECTION 1. TAX TREATMENT OF PAYMENTS UNDER LIFE INSURANCE CONTRACTS FOR TERMINALLY ILL INDIVIDUALS.

(a) GENERAL RULE.—Section 101 of the Internal Revenue Code of 1986 (relating to certain death benefits) is amended by adding at the end thereof the following new subsection:

"(g) TREATMENT OF AMOUNTS PAID WITH RESPECT TO TERMINALLY ILL INDIVIDUALS.—

"(1) IN GENERAL.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual shall be treated as an amount paid by reason of the death of such insured.

"(2) TERMINALLY ILL INDIVIDUAL.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a licensed physician as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.

SEC. 2. TAX TREATMENT OF COMPANIES ISSUING QUALIFIED TERMINAL ILLNESS RIDERS.

(a) QUALIFIED TERMINAL ILLNESS RIDER TREATED AS LIFE INSURANCE.—Section 818 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end thereof the following new subsection:

"(g) QUALIFIED TERMINAL ILLNESS RIDER TREATED AS LIFE INSURANCE.—For purposes of this part—

"(1) IN GENERAL.—Any reference to life insurance shall be treated as including a reference to a qualified terminal illness rider.

"(2) QUALIFIED TERMINAL ILLNESS RIDER.—For purposes of this subsection, the term 'qualified terminal illness rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to an individual upon the insured becoming a terminally ill individual (as defined in section 101(g)(2))."

(b) DEFINITIONS OF LIFE INSURANCE AND MODIFIED ENDOWMENT CONTRACTS.—

(1) RIDER TREATED AS QUALIFIED ADDITIONAL BENEFIT.—Paragraph (5)(A) of section 7702(f) of such Code is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified terminal illness rider (as defined in section 818(g)(2)), or".

(2) TRANSITIONAL RULE.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or de-

termining whether either such section applies to such contract), the issuance of a qualified terminal illness rider (as defined in section 818(g)(2) of such Code) with respect to any contract shall not be treated as a modification or material change of such contract.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after December 31, 1989.

SEC. 3. APPLICANTS OR RECIPIENTS UNDER PUBLIC ASSISTANCE PROGRAMS NOT TO BE REQUIRED TO MAKE ELECTION RESPECTING ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE POLICIES.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end thereof the following new section:

TREATMENT OF ACCELERATED DEATH BENEFITS

"SEC. 1143. (a) IN GENERAL.—Notwithstanding any other provision of law, no individual who is an applicant or recipient of aid or assistance under a State plan approved under title IV, X, XIV, XVI, or XIX, of assistance funded by payments under title V or XX, or of benefits under the Supplemental Security Income program established by title XVI shall—

"(1) be required, as a condition of eligibility for (or of continuing to receive) such aid, assistance, or benefits, to make an election to receive an accelerated death benefit under a policy of life insurance, or

"(2) by reason of failure to make such an election, be denied (or suffer a reduction in the amount of) such aid, assistance, or benefits.

"(b) ACCELERATED DEATH BENEFIT.—For purposes of this section, the term 'accelerated death benefit' means any payment made under the terms of a life insurance policy, while the insured individual is alive, as a result of a recalculation of the insured individual's life expectancy."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 1990.

Mr. LIEBERMAN. Mr. President, I am pleased to join today with my friend and colleague, the senior Senator from New Jersey, in introducing the Living Benefits Act. Last year, this bill attracted 49 cosponsors, which I thought was an impressive start for a new proposal. This year, we are confident that we can actually succeed in passing this meritorious idea into law.

The Living Benefits Act should be a priority for the 102d Congress because of how much it will mean to those in our society who are the most seriously ill. When people confront a disease that can be fatal, such as AIDS or some kinds of cancer, they confront not only the physical consequences of that disease, they face a painful myriad of economic and social difficulties as well. Illness forces many to leave their jobs, remain at home, and undertake expensive medical procedures. Some become so poor they lose their homes, or cannot pay the rent, or cannot afford the care and services that can ease their troubled lives.

In spite of such economic devastation in the wake of a serious illness, for many people in this country, thousands of their dollars that have been saved carefully over the years lie just beyond their reach. Those are dollars that sit in the form of life insurance policies. Under current law, life insurance money generally can only be released after the insured person dies and is not available to meet the special needs of a person in his or her last months of life. Even in the rare case when the seriously ill can access their life insurance, that money is taxed simply because the person has chosen to receive it while alive instead of waiting for others to receive it after the person dies.

This legislation is based on a simple premise: It would allow those who are told by a doctor that they have a year or less to live to gain access to their life insurance benefits, giving them the means to live out the remaining months of their lives in dignity. Those prepaid benefits that some might call death benefits, but I think in this case more properly would be called living benefits, would enhance seriously ill people and their families to keep their homes, to receive quality care, and otherwise live their lives with a measure of independence, security, and peace.

Forty-five State insurance commissioners have actually approved the sale of living benefits policies and riders in their States. However, Federal legislation is now critically necessary to ensure that the recipient does not have to pay income tax on the money that would be received before death, just as survivors who receive the benefits of a life insurance policy do not have to pay a tax on those benefits.

Many Americans make life insurance their primary form of savings. In 1989 the American Council of Life Insurance found that 104 million Americans were covered by individual life insurance and 138 million by group policies. The average American household has $87,600 in life insurance. With that money and this legislation, we can put those resources to work in cases where they can really do the most human good.

Prudential Insurance Co. and Connecticut Mutual Life Insurance Co. are to be commended for taking the lead in the insurance industry in proposing and crafting policies designed to give seriously ill people access to their life insurance money before their death. I am proud to be working with my colleague, Senator BRADLEY, and our cosponsors—now number over 30—and I am hopeful they will soon number over 50, to broaden this worthwhile concept and make it available to thousands of Americans who face the terrible consequences of a life threatening illness.

Our bill costs the taxpayers nothing. But it benefits people who have but months to live a great deal. The Living Benefits Act is a compassionate, commonsense health care—life care—bill and it deserves the support of Congress and the President. I hope it will become law soon so those who are desperately in need of help can have some hope that help is on the way.

• Mr. MCCAIN. Mr. President, I am pleased today to join my colleagues, Senators LIEBERMAN, BRADLEY, DODD, LAUTENBERG, WALLOP, SYMMS, GRASSLEY, and others, in introducing the Living Benefits Act. This legislation, which we also introduced last year, will enable life insurance companies to provide for payment of death benefits to those who are terminally ill.

Allowing life insurance policyholders who are terminally ill to tap a portion of their policy to help meet expenses in the later period of their life is not only good public policy, it is humane public policy. This policy will allow terminally ill individuals to live their remaining days comfortably, with appropriate care, and with dignity.

While insurance commissioners in 44 States have now approved the sale of policies that permit accelerated death benefits, and many insurance companies are now offering prepayment of death benefits if the individual insured under the policy becomes terminally ill, the tax treatment is unclear. This legislation will ensure that those receiving accelerated death benefits do not get taxed on them. In addition, the legislation amends the Social Security Act to prevent policyholders from being forced to take accelerated death benefits before they can qualify for means-tested public programs.

Mr. President, health care expenses can be ruinous today, as we know. I believe it is good policy to permit those with terminal illnesses to tap all available resources, including their life insurance policies, to meet necessary health care, housing, and food expenses. While this legislation does not do away with the need for assistance in the area of long-term care, I contend it is one brick in that wall. What's more, it does not require any additional outlay of resources. As such, I am pleased to join my colleagues in offering this bill. I hope that the rest of our colleagues will examine it with an eye toward support, even cosponsorship. And, I hope it will be taken up for consideration soon.•

By Mr. DIXON (for himself, Mr. BOREN, Mr. SANFORD, and Mr. DECONCINI):

S. 288. A bill to establish a series of eight Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States; to the Committee on Rules and Administration.

REGIONAL PRESIDENTIAL PRIMARIES AND CAUCUSES ACT

• Mr. DIXON. Mr. President, I rise today to reintroduce the Regional Presidential Primaries and Caucuses Act, but I would first like to thank Senator FORD, the distinguished chair-

man of the Rules Committee, and Senator STEVENS, the distinguished ranking member, for their repeated and successful efforts to get regional primaries legislation through their committee. I am grateful for their past and continuing support for this legislation, which is designed to improve our Presidential nominating process.

This legislation is the product of many years of diligence by our former and current colleagues of both parties who, like me, believe that our current process of Presidential primaries is too long and chaotic for the candidates and the voters.

It has been well established for a decade in political polls, and reflected in voter turnout, that the people of this country want a change in the current Presidential process. In the New York Times/CBS News poll taken just after the 1988 elections, 73 percent of Americans favored a regional primary process over the present system. That should speak volumes about the need for this legislation. The people recognize that they are being left out of the primary process. Considering how few people voted in 1988, we can ill-afford more disenfranchisement.

Anybody who followed the 1988 Presidential primaries knows that our Presidential nominating system needs to be reformed. The combination of the Iowa caucuses and New Hampshire primary with the huge number of primaries held on super Tuesday created a front loaded, chaotic and inequitable system. It is time for us to bring some rationality and fairness to the way we choose our candidates for the Presidency.

There are are least three problems with the current system that can be solved by enacting a regional primaries system: First, the States that currently begin the process are small and unrepresentative. Second, the chaos and disarray of the primary and caucus schedule have caused the most qualified candidates to shun the Presidency, and the voters to shun the ballot boxes. And third, the process is too long and confusing for most voters. The issue addressed by this legislation is the selection process for the most important position in our Federal Government. The problems with this process pose a grave danger to our democracy.

As we all know, Iowa and New Hampshire are where every candidate begins his or her campaign under the present system. The reason these two small States are so important in the process today is simply that their caucuses and primary are held first. The media certainly recognizes this point. A George Washington University study of CBS's 1980 coverage of different primaries found that California, with nearly one tenth of the Nation's population, received one fiftieth and one fortieth of the attention give to Iowa and New Hampshire, respectively. My own State of Illinois received one sixteenth and one twelfth the attention given to Iowa and New Hampshire. This trend is apparently still going strong.

Iowa's and New Hampshire's successes in picking Presidents may be partly due to good luck or old fashioned New England or Midwestern horse sense, but numbers like these make me believe that they are successful largely because their contests come first. New Hampshire's State Legislature even had the good sense to pass a law requiring that their primary be held 1 week before any other State primary.

With just 2 percent of the Nation's population, Iowa and New Hampshire have enormous power over the other 98 percent of the country. Under the current system, the impact of a vote cast in these two small States far outweighs the impact of votes cast in the rest of the country. And the number of voters participating in the 1988 Iowa caucuses and the New Hampshire primary was equivalent to asking the population of Columbia, SC, to decide which candidates should receive the media's nod to compete in the rest of the country.

Why should we allow Iowa to conduct the first caucus and New Hampshire the first primary? With all due respect to my colleagues from both States, why should they go first? Why should any State have a permanent advantage over all the others?

Other States have not overlooked the importance of being first; 20 States on the Democratic side and 17 States on the Republican side all held primaries 3 weeks after New Hampshire on super Tuesday. Over 30 States now hold their primaries before the end of March, and California may change its law moving its primary up to March, as well. The States are crowding their primary dates closer and closer together, and the result is an increasingly front loaded system.

However, these other States cannot achieve parity as long as Iowa and New Hampshire continue to hold their contests first. The system will not become equitable and reflect national concerns until the influence that comes with being first is shared among all 50 States.

The Senate Rules Committee approved my regional primaries bill in both the 100th and 101st Congress. The bill sets up a system of eight regional primaries of approximately equal electoral size. State primaries and caucuses are then placed into the regions on the basis of their geographic location.

Each election year, 90 days before the first primary, the Federal Election Commission [FEC] would determine by lot the order of the eight regional primaries. The first regional primary would be held on the first Tuesday in March, and subsequent primaries would take place every 2 weeks thereafter until June.

By having the Federal Election Commission decide by lottery the order of the primaries, the Regional Primaries and Caucuses Act allows every State and every region the opportunity to be first, and no region would be eligible to hold the first primary in two consecutive Presidential elections.

Just imagine it, Mr. President. No longer would the voters of the rest of the country be disenfranchised as they are under the current system. The people of Fargo, ND, and Portland, OR, and Los Angeles, CA, and Peoria, IL, would finally have an opportunity to exert their influence on the choice of President. The candidates would be forced to spend time with the voters of those States too. And imagine what would happen if endorsements by the Des Moines Register and the Manchester Union-Leader no longer decided the fates of so many candidates.

The second problem that we can solve with this bill is the problem of disarray that comes from the chaos of our current primary schedule. Many candidates, including former Presidents Ford and Nixon, have lamented the great distances traveled early in Presidential campaigns to reach so few people. Not only do these great distances make weary the many candidates and their staffs, they also cost a great deal of money.

The people who know whereof they speak in this debate are the Presidential candidates themselves. And some of the harshest criticism of our current nominating process comes from those who have been through it. One such person is our distinguished colleague from North Carolina, TERRY SANFORD, who wrote a book in 1981 entitled, "A Danger of Democracy—the Presidential Nominating Process." In it, he very clearly identifies the threat our current system poses:

> It is inevitable that a sloppy and disorganized method of nominating presidential candidates is an imminent danger. If our process makes it impossible to know what we are getting until we have got it, if our process does not ensure that we attract the best possible men and women to the presidential candidacy, we may very well elect an inadequate President, or a succession of inadequate Presidents, until we come to the point of desperation that renders us willing to change drastically our definition of democracy.

How true! If our Founding Fathers could see how inequitable this process is, they would say their intentions have been corrupted. The dangers our good friend from North Carolina tells us about are the dangers we face with a process such as the one we now have.

My proposal will encourage each candidate to appeal to all parts of our Nation, rather than to one small sector of our population. It will replace chaos and confusion with fairness and reason in choosing each party's Presidential candidates.

The third problem we face with the current system is the inordinate length of the Presidential primary process. In poll after poll, year after year, the public has told us that the process is too long. And low voter turnout should tell us something about the weariness of the public during the primary season. In a Gallup Poll following the 1988 campaign, 70 percent of Americans said they favored shortening the length of the Presidential primary campaign.

It is my contention, Mr. President, that the campaign is both too long and too short. It is too long in the sense that candidates spend so much time leading up to the election in Iowa and New Hampshire to prepare for those contests. It is too short because once those contests have been decided, the campaign ends within a month as the frontrunner sews up his nomination. Why should we let 2 percent of the country view the candidates for so long, while the other 98 percent of us get only a glimpse?

Because the Federal Elections Commission would decide the order of the regions just 90 days before the first primary, the candidates can no longer move to Iowa 2 years before the election. Candidates will be forced to spend time in Kansas and Arizona and other States that are currently left out. And the voters in these States will hear more than just the candidates' positions on the issues facing Iowa and New Hampshire. We may see greater voter turnout as a result. That would make this regional primary system really worthwhile.

Some have and will ask the question of whether it should be the National Government's right to impose a centralized system of primaries on the individual States that have up to now chosen their own primary dates. To those people I say: I would rather see the parties or States act on their own, but I think it is time for the Congress to take the lead on reforming our system. We need the national perspective that Congress can give on what is truly a national problem. We must impose some logic on a system that clearly lacks it. We must allow the best and most qualified candidates to run, and the only way to do that is to put some order back into the system that is now in chaos. Most of all, Mr. President, we must stand up and do what is right and fair and just for the American voters, to whom we all owe our allegiance.

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. 288

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 "Regional Presidential Primaries and Caucuses Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the numerous elections and caucuses held by States for the expression of a preference for the nomination of individuals for election to the office of President of the United States are conducted without any semblance of order;

(2) the conventions held by national political parties for the purpose of nominating candidates for election to the offices of President and Vice President are vital to the process of selecting candidates for those offices; and

(3) in order to preserve the effectiveness of the Presidential election process and to provide for the public welfare of the Nation, the Congress must regulate certain parts of the process for selecting candidates for the office of President.

SEC. 3. REGIONAL PRIMARIES.

(a) PROHIBITION.—No State shall conduct a Presidential primary except in accordance with this Act.

(b) NUMBER OF PRIMARIES.—Eight regional Presidential primaries shall be held during each Presidential election year.

(c) DATES OF PRIMARIES.—The first regional Presidential primary shall be held on the first Tuesday in March of such year, and the remaining 7 regional Presidential primaries shall be held every second Tuesday thereafter.

(d) DETERMINATION OF ORDER OF PRIMARIES BY REGION.—(1) Ninety days before the date of the first regional Presidential primary, the Commission shall determine by lot the order in which the primaries are to be held.

(2) No region shall be chosen to have the first regional Presidential primary in 2 successive Presidential election years.

(3) A State may not hold a Presidential primary on a date other than the date assigned by the Commission to the region in which the State is located.

(e) ACTION BY THE ATTORNEY GENERAL.—When the Attorney General has reason to believe that a State is holding or is about to hold a Presidential primary in violation of this section, the Attorney General may bring a civil action in United States district court for such relief as may be appropriate, including injunctive relief.

(f) SANCTIONS.—(1) Section 9006 of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new subsection:

"(d) REDUCTION OF PAYMENT.—The amount of payments to which a candidate is entitled under this section shall be reduced by 20 percent if the candidate is a candidate of a political party for which a Presidential primary was conducted in any State in violation of section 3 of the Regional Presidential Primaries and Caucuses Act of 1991.".

(2) Section 9008(b) of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new paragraph:

"(6) DISENTITLEMENT TO PAYMENTS IN CASE OF VIOLATION OF THE REGIONAL PRESIDENTIAL PRIMARIES AND CAUCUSES ACT OF 1990.—In order for a major party, minor party, or new party to be eligible to receive any payments under this subsection, all Presidential primaries of such party must have been conducted in accordance with section 3 of the Regional Presidential Primaries and Caucuses Act of 1991.".

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "Commission" means the Federal Election Commission;

(2) the term "Presidential primary" means a primary, first tier caucus, convention, or other means of expressing a preference for the nomination of individuals for election to the office of President of the United States or for the selection of delegates to a national nominating convention of a political party, but the term does not include a national nominating convention of a political party;

(3) the term "region" means—

(A) region 1, comprising Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, and Connecticut;

(B) region 2, comprising Ohio, Pennsylvania, New Jersey, and Delaware;

(C) region 3, comprising Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, the District of Columbia, and Maryland;

(D) region 4, comprising Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, the Virgin Islands, and the Commonwealth of Puerto Rico;

(E) region 5, comprising Wisconsin, Michigan, Illinois, Indiana, and Missouri;

(F) region 6, comprising Texas, Oklahoma, Kansas, Nebraska, Iowa, South Dakota, North Dakota, and Minnesota;

(G) region 7, comprising Arizona, New Mexico, Colorado, Utah, Wyoming, Montana, Idaho, Oregon, Washington, and Alaska; and

(H) region 8, comprising California, Nevada, Hawaii, American Samoa, and Guam; and

(4) the term "State" means each of the 50 States of the United States, the District of Columbia, the Territories of American Samoa, Guam, the Commonwealth of Puerto Rico, and the Virgin Islands.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.•

• Mr. PACKWOOD. Mr. President, Senator DIXON and I are today reintroducing legislation which would establish eight regional Presidential preference primaries. This legislation is designed to replace the present mismash of Presidential extravaganzas which leave the candidates tired and broke and leave the public bored, bewildered and—far too often—disgusted. Voters understandably ask, "When is this nonsense coming to an end?" In the process, the candidates lose their credibility and the office loses its dignity.

Credibility must be restored to the candidates because, without it, dignity cannot be restored to the most important office in the world. A plan must be devised that somewhat dramatically improves the traveling sideshow of our current system. Congress must meet its responsibility of providing a vehicle for the American people to select the nominee of their party from a wide range of candidates.

The legislation which we are introducing today will, I believe, restore credibility to the candidates and dignity to the office they seek. It establishes a system of eight regional primaries throughout the Nation. Every State or territory under U.S. sovereignty is included in one of the following eight regions:

One. Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, and Connecticut;

Two. Ohio, Pennsylvania, New Jersey, and Delaware;

Three. Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, the District of Columbia, and Maryland;

Four. Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, the Virgin Islands, and the Commonwealth of Puerto Rico;

Five. Wisconsin, Michigan, Illinois, Indiana, and Missouri;

Six. Texas, Oklahoma, Kansas, Nebraska, Iowa, South Dakota, North Dakota, and Minnesota;

Seven. Arizona, New Mexico, Colorado, Utah, Wyoming, Montana, Idaho, Oregon, Washington, and Alaska; and

Eight. Arizona, New Mexico, Oklahoma, and Texas.

Each year, 90 days before the first primary, the Federal Election Commission would decide by lot the actual order of the eight regional primaries. Under the current system, some candidates begin their campaigns for nomination almost 2 years prior to the Presidential election. They are able to do this because certain States have a set primary date and the result is that all of the candidate's money, energy, and talent are focused on those particular States.

Under my original legislation, 70 days before each of the regional primaries, the Federal Election Commission would have decided by lot which region would go next. Under that proposal, candidates would not have been privy to the location of the first regional primary until 70 days prior to it, nor would they have been privy to the location of any of the remaining primaries until 70 days prior to each of those. In that manner, repeating this procedure for each of the ensuing primaries, the order of none of the primaries would have been known in advance. While I would have preferred my original proposal for drawing the order of the primaries by lot prior to each primary, I am pleased that the Senate Rules Committee did take positive action in reporting out a regional primary bill very close to my original proposal.

Under the legislation as reported out of the Senate Rules Committee in the last Congress and being reintroduced here today, the first regional primary would be held on the first Tuesday in March and the remaining primaries would take place every 2 weeks thereafter until June. Practical politics would dictate that candidates spend most of their available time in the region holding the next primary. In conducting primaries in this organized manner, we will avoid the whirlwind approach of our current system which fatigues the candidates, sours the voters, and badly erodes confidence in government.

Our bill does not attempt to regulate the national convention and delegate selection procedures. These procedures should rightfully be left to the States and political parties. Neither does this bill dictate what form a State's primary should take, that is, whether it should be open or closed. If a State provides for an open primary whereby those persons not registered in a particular political party may vote in a party's primary, the State would be able to continue to do so.

A regional primary such as we propose will allow candidates to spend a relatively small amount of time and money in order to determine whether they have widespread support. If candidates do well in the first primary, they will be off and running. If they do poorly, they can avoid the embarrassment and expense of hopelessly campaigning nationwide. Under this proposal, supporters and contributors will have a chance to become involved with a more viable candidate. Candidates can enter their first primary and if they do well can marshall the organizational and financial backing necessary to garner additional support. Their candidacies will have the chance to catch fire and gather momentum. In short, regional primaries will allow candidates to gracefully withdraw if their campaigns fail to catch fire. By the same token, regional primaries will also allow a smoldering ember to be built into a blazing bonfire.

Under this measure, moreover, the voters will have a better chance to judge a candidate's true qualifications. "Madison Avenue" will be shelved. A more personal and direct approach will be the result. Rather than the trademarks of image and style characteristics of our present system, the trademarks of a regional primary will be issues and answers.

If we are to return "government to the people" and restore confidence in that government, we have that opportunity through the regional primary concept. The regional Presidential primary offers the best hope of returning credibility to the candidates and dignity to the Presidency.●

By Mr. GARN (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. ROBB, and Mr. GLENN):

S. 289. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

EXTENSION OF NATIONAL AIR AND SPACE MUSEUM

● Mr. GARN. Mr. President, on behalf of myself and Senators MOYNIHAN, WARNER, ROBB, and GLENN, today I am reintroducing a bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Dulles International Airport. Last year, the Senate passed an act that is identical to the bill now being introduced, but the House did not act on that Senate measure, S. 2636.

The report that accompanied S. 2636 summarized the need for an extension of the Air and Space Museum. I quote now from that report:

> [An extension] is needed because there is no room for many important air and spacecraft at the Museum on the Mall or the storage facility in Suitland, Maryland, and it is impossible to transport very large exhibits to those locations. In addition, the Suitland facility is without proper environmental control needed to preserve the artifacts.
>
> The Museum's growing collection requires additional hangar-like exhibition space. It is estimated that the proposed extension would require 1.5 million gross square feet of building area. Over the past several years the Board of Regents has considered many possible locations for this museum extension; it has selected the Washington Dulles International Airport location for its convenience both to scholars involved in research and to the general public.
>
> The passage of S. 2636 would enable the Smithsonian to continue the planning and design of the proposed extension. The Institution will seek funds for construction from non-Federal sources; the Commonwealth of Virginia has already offered its financial and strategic support. S. Rpt. 101-343, 101st Cong., 2d Sess. 1-2 (1990).

Mr. President, on three occasions stretching over the past 7 years the Board of Regents of the Smithsonian Institution has recommended that an extension of the National Air and Space Museum be constructed at Washington Dulles International Airport so that the museum may continue to fulfill its mandate to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance." The U.S. Senate has twice—1990 and 1986—approved the Dulles extension.

The National Air and Space Museum on The Mall is the most popular museum in the world. Its popularity stems from the manner in which its artifacts are exhibited and from the fact that Americans—and, indeed, people throughout the world—are intrigued with and enthusiastic about the idea and implements of flight and space exploration. But the facility on The Mall is no longer adequate.

The artifacts of air and space are large: The prototype Boeing 707—which introduced the commercial jet age, generated billions of dollars for U.S. workers and investors, and shrank the world—should be available as an example of our aviation heritage. But it is too large for The Mall museum. The space shuttle *Enterprise*—which I was pleased to help obtain for the Smithsonian—should be available. But there is no room on The Mall. The speedy and mysterious *Blackbird* is awaiting ex-

hibit space, as are other examples of man's achievements in the air. All of these machines are too large to be exhibited in the museum on The Mall; indeed, most of them cannot even be disassembled for transportation to The Mall. These objects require a very large facility with a runway—and the Regents of the Smithsonian Institution believe the best location in the entire country is at nearby Dulles International Airport.

In a letter to the chairman of the Senate Rules Committee, the Smithsonian Institution spelled out the major problems that jeopardize the future of the Air and Space Museum. The Institution's own descriptions of those problems bear repeating:

First, neither the Museum on the Mall nor its Paul E. Garber Preservation, Restoration, and Storage Facility in Suitland, Maryland, have sufficient space in which to house properly or exhibit artifacts now in or available for [the] collection. Many important airplanes are stored in pieces at the Garber Facility; others are stored in the Arizona desert because there is no room for them in Washington.

Second, it is virtually impossible to transport very large air and spacecraft, such as the Space Shuttle Orbiter "Enterprise" or the Concorde which has been promised by Air France, to either the Museum on the Mall or to the Garber Facility. Very large artifacts cannot readily be moved by road because urbanization and obstacles such as overpasses require their laborious and sometimes destructive disassembly. Thus, their movement intact must be done by air.

Third, the physical integrity of eighty percent of the national collections now housed at the Garber Facility is compromised by the deterioration of its overcrowded warehouses which are without proper environmental control. S. Rpt. 101-343, op. cit., at 2-3.

Mr. President, our air and space machines represent some of man's greatest accomplishments, but those machines will slowly rot if we don't protect them. An extension of the National Air and Space Museum is necessary to protect those machines, and to tell the stories of the designers, builders, and flyers who made those machines conquer the air. I hope this will be the year that the House joins the Senate to authorize funds to plan and design that extension.●

● Mr. WARNER. Mr. President, I rise in support of the legislation being introduced today by the distinguished Senator from Utah which would authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

This bill is the result of many years of hard work by Senator GARN, who serves on the Smithsonian Board of Regents, the Board of Regents and its staff, and the Commonwealth of Virginia. The legislation represents an objective decision to do what is best for the future of the Smithsonian Institution and most importantly, the American public.

In September 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum plan to expand at Washington Dulles International Airport. Since then, the Board has expressed support for the extension at Dulles over and over again. Through four Governors—John Dalton, Charles Robb, Gerald Baliles, and now Douglas Wilder—the Commonwealth has also continued to support the concept of the extension and its location in Virginia.

The Senate vote on August 4, 1990, marked the third time that the U.S. Senate approved legislation to expand the National Air and Space Museum at Dulles.

Therefore, I must state my frustration and dismay that we are here again only beginning the legislative process which would allow the planning and design of such a worthwhile and historically important project to commence.

This legislation would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of spacecraft and aircraft in the world. However, due to the limited exhibition space in The Mall building coupled with the size and weight of many of the artifacts, only 25 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367-80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B-29, *Enola Gay*, and the space orbiter *Enterprise* cannot be displayed nor enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibits the interpretation of aerospace technology's significant contribution to all societies and the possibilities which it holds for the future.

The continued, strong support from the Board of Regents, the Commonwealth of Virginia and the Senate for this project is a testimony to the importance of the extension. I would like to reiterate that this support has been for the extension of the museum at Dulles. Therefore, I must mention the substantial financial commitment which the Commonwealth has made to this project.

Virginia's commitment includes:

A $3 million interest-free loan for planning and design work;

State bonding authority to finance up to $100 million in debt for the initial construction phase of the extension;

A commitment to provide the required site improvements at a total cost of $26 million;

A $6 million in direct funds toward the construction costs, and another $6 million raised through private and local contributions;

A pledge to work with local governments, the Washington Metropolitan Area Transit Authority and others to develop rail passenger service between the West Falls Church Metro station and the museum site by the year 2000;

A willingness to initiate Metro-like bus service between the extension and the Smithsonian's facilities on the Mall; and

Plans for construction of the Barnsfield Road interchange on Route 28 at an estimated cost of $15 million.

The support for the museum's extension at Dulles is also largely due to the site's logistical and physical characteristics.

These characteristics include: proximity to an active runway; flexibility in building configuration and space for future expansion; adequacy of existing and projected transportation networks for visitor access and artifact movement; compatibility with exiting airport operations and absence of vibration, noise, and fumes; potential numbers of visitors; geological configuration and subsurface conditions; and the availability of utilities and vital support services.

I call on every Member of Congress to support this legislation which will make the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. As we have so recently witnessed in the operations of Desert Storm in the Persian Gulf, air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience first hand the magnitude and significance of man's technological achievements.●

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. CONRAD, Mr. BURDICK, and Mr. COCHRAN):

S. 290. A bill to establish an Indian Substance Abuse Program, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN ANTI-DRUG ABUSE AMENDMENTS

● Mr. MCCAIN. Mr. President, I rise today to introduce on behalf of myself, Senators INOUYE, MURKOWSKI, CONRAD, BURDICK, and COCHRAN, legislation to reauthorize for 5 years several drug and alcohol abuse programs for native Americans that were included in the Anti-Drug Abuse Act of 1988. I am particularly pleased to be joined in introducing this proposal by the distinguished chairman of the select committee, who has been very involved in this issue and has contributed greatly to this proposal.

As I am sure my colleagues are aware, native Americans suffer a greater incidence of alcoholism than any other segment of our Nation's population. The alarmingly high rate of al-

cohol consumption among native Americans results in correspondingly high rates of illness, accidents, and related incidents. In fact, it also leads to a high rate of death. Experts tell us that the death rate among native Americans due to the consumption of alcohol is over four times that of any other segment of our population.

A number of tribes are now completely dry, and some are just beginning to recognize and want to deal with the high rate of alcoholism among their people. I believe we need to be assisting those tribes who wish to help their members who have a problem with alcohol to rid themselves of this disease. This means that we need to provide assistance in the areas of education, prevention, and treatment.

There are a number of good programs in Indian country, such as the programs for which continued funding would be provided by this reauthorization. But, we cannot be complacent with where we are at now—for the need is much greater than what is currently being addressed. Last year, I had the occasion to spend a Saturday night in Gallup, NM. The population of this rural town on the border of Arizona and New Mexico triples on weekends as Indians from three nearby reservations pour into town. Most come to do necessary shopping. Many come to drink.

According to the police in Gallup, who often lock drunks up in what is termed "protective custody," an average month can see the detention of as many as 3,000. This particular weekend only saw 150, which made it a particularly slow weekend.

Towns this size usually average 11 liquor licenses—Gallup has 61. With the bars opening at 8 a.m., it is not uncommon to the see the road from the Navajo reservation to Gallup littered with the bodies of the drunk.

Traffic accidents caused by drunk drivers in surrounding McKinley County are 10 times the national average.

I believe alcoholism will remain an epidemic among native Americans as long as native Americans continue to be deprived of opportunities to improve their circumstances. Until the prospects for improving the quality of reservation life are dramatically enhanced, there will be little we can do to achieve a meaningful reduction in the numbers of native Americans who abuse alcohol. Providing opportunities, not welfare, to native Americans should be a national priority. The creation of Indian enterprise zones—offering tax incentives to promote investments on the reservation—is a sensible step in this direction. Should this urgent necessity suffer the usual Government neglect, more Indians will suffer the slow suicide of alcoholism.

Addressing the fundamental causes of alcohol abuse is essential to preventing future generations of native Americans from succumbing to the disease that has claimed so many of their parents. This legislation reauthorizes just such programs.

This legislation is not a be-all, end-all proposal in the area of alcohol and substance abuse. Rather, it is a proposal to beef up the current programs and add a few new ones. But, I am confident that as this proposal moves its way through the Senate Select Committee on Indian Affairs my colleagues will assist me in making this a more comprehensive proposal. For example, I know that my friend from South Dakota, Senator DASCHLE, is working on a comprehensive proposal to address the critical problem of fetal alcohol syndrome that is crippling the future of so many tribal communities across this land. I look forward to his contribution to making this a more complete proposal, and I look forward to the contributions of my other colleagues as this proposal moves its way through the hearing and markup process.

I ask unanimous consent that a copy of the bill and a section-by-section summary be printed in the RECORD.

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

S. 290

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

SECTION 1. SHORT TITLE; AMENDMENTS TO INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

(a) SHORT TITLE.—This Act may be cited as the "Indian Anti-Drug Abuse Amendments of 1991".

(b) AMENDMENTS.—Whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.).

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Paragraph (2) of section 4206(d) (25 U.S.C. 2412(d)(2)) is amended to read as follows:

"(2) There are authorized to be appropriated not to exceed $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for grants under this subsection.".

SEC. 3. TECHNICAL AMENDMENTS TO SECTION 4209.

The last sentence in subsection (a) of section 4209 (25 U.S.C. 2415(a)) is amended by striking the word "Interior"' and inserting, in lieu thereof, the word "Interior's" and by striking the phrase "shall b" and inserting, in lieu thereof, the phrase "shall be".

SEC. 4. AUTHORIZATIONS.

Subsection (b) of section 4210 (25 U.S.C. 2416(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this section.".

SEC. 5. INDIAN EDUCATION PROGRAMS.

Section 4212(a) (25 U.S.C. 2432(a)) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1992, 1993, 1994, and 1995".

SEC. 6. EMERGENCY SHELTERS AND HALFWAY HOUSES.

Paragraph (1) of section 4213(e) (25 U.S.C. 2433(e)(1)) is amended to read as follows:

"(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian youth, there are authorized to be appropriated $7,000,000 for fiscal year 1992, and $3,500,000 for each of the fiscal years 1993, 1994, and 1995.".

SEC. 7. ILLEGAL NARCOTICS TRAFFIC.

(a) INVESTIGATION AND CONTROL.—(1) Paragraph (1) of section 4216(a) (25 U.S.C. 2442(a)) is amended by—

(A) striking the word "and" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting in lieu thereof a comma and the word "and"; and

(C) inserting the following new subparagraph (C):

"(C) the Makah Indian Tribe of Washington for the investigation and control of illegal narcotic traffic on the Makah Indian Reservation arising from its proximity to international waters.".

(2) Paragraph (3) of section 4216(a) (25 U.S.C. 2442(a)(3)) is amended to read as follows:

"(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—

"(A) $500,000 under paragraph (1)(A) for each of the fiscal years 1992, 1993, 1994, and 1995,

"(B) $450,000 under paragraph (1)(B) for each of the fiscal years 1992, 1993, 1994, and 1995, and

"(C) $450,000 under paragraph (1)(C) for each of the fiscal years 1993, 1994, and 1995.".

(b) SOURCE ERADICATION AUTHORIZATION.—Paragraph (2) of section 4216(b) (25 U.S.C. 2442(b)(2)) is amended to read as follows:

"(2) AUTHORIZATION.—For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated $500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

(c) MARIJUANA ERADICATION AND INTERDICTION.—(1) The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation, and interdiction, investigation, and control of illegal narcotics trafficking within Indian country as defined in section 1152 of title 18. The Secretary shall establish a priority for the use of funds appropriated under subsection (b) of this section for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

(2) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

SEC. 8. LAW ENFORCEMENT AND JUDICIAL TRAINING.

Subsection (b) of section 4218 (25 U.S.C. 2451(b)) is amended to read as follows:

"(b) AUTHORIZATION.—For the purpose of providing the training required by subsection (a), there are authorized to be appropriated $1,650,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

SEC. 9. JUVENILE DETENTION CENTERS.

Paragraph (1) of section 4220(b) (25 U.S.C. 2453(b)(1)) is amended to read as follows:

"(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a), there is authorized to be appropriated $5,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

SEC. 10. INDIAN HEALTH SERVICE PROGRAM.

Section 4226 (25 U.S.C. 2473) is amended by—

(1) inserting the subsection heading "(a) COMPREHENSIVE PREVENTION AND TREATMENT PROGRAM.—" at the beginning thereof;

(2) striking the subsection heading "(c) CONTRACT HEALTH SERVICES.—" and inserting in lieu thereof the heading "(b) CONTRACT HEALTH SERVICES.—"; and

(3) striking all of paragraph (2) of subsection (b) and inserting in lieu thereof the following:

"(2) In carrying out this subsection, the Secretary shall provide assistance to Indian tribes to develop criteria for the certification of alcohol and substance abuse service providers and accreditation of service facilities which meet minimum standards for such services and facilities as may be determined pursuant to section 4205(a)(3).

"(3) In addition to amounts otherwise authorized to be appropriated for contract health services, there are authorized to be appropriated $11,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for the purpose of carrying out the provisions of this subsection.".

SEC. 11. INDIAN HEALTH SERVICE YOUTH PROGRAM.

(a) TREATMENT CENTERS.—(1) Paragraph (2)(A) of section 4227(b) (25 U.S.C. 2474(b)(2)(A)) is amended to read as follows:

"(2)(A) For the purpose of constructing or renovating centers or facilities required by paragraph (1), there are authorized to be appropriated $4,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

(2) Section 4227(b) is amended by adding at the end the following:

"(3) Notwithstanding any other provision of this subtitle, the Secretary may, from amounts authorized to be appropriated pursuant to this section, make funds available to the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska.".

(b) FEDERALLY OWNED STRUCTURES.—Paragraph (3) of section 4227(c) (25 U.S.C. 2474(c)(3)) is amended to read as follows:

"(3) There are authorized to be appropriated $3,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

(c) REHABILITATION AND AFTERCARE SERVICES.—(1) The subsection heading of subsection (d) of section 4227 (25 U.S.C. 2474(d)) is amended to read as follows: "REHABILITATION AND AFTERCARE SERVICES.".

(2) Paragraph (3) of section 4227(d) (25 U.S.C. 2474(d)(3)) is amended to read as follows:

"(3) For the purpose of providing the services authorized by paragraph (1), there are authorized to be appropriated—

"(A) $13,000,000 for fiscal year 1992,

"(B) $14,000,000 for fiscal year 1993,

"(C) $15,000,000 for fiscal year 1994, and

"(D) $16,000,000 for fiscal year 1995.".

(d) ADULT FAMILY OUTPATIENT CARE.—Subsection (e) of section 4227 (25 U.S.C. 2474(e)) is amended by adding at the end thereof the following new sentence: "Not less than 10 per centum of the funds appropriated pursuant to subsection (d) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.".

(e) MULTIDRUG ABUSE STUDY.—Section 4227 (25 U.S.C. 2474) is amended by adding at the end thereof the following new subsection (f):

"(f) MULTIDRUG ABUSE STUDY.—(1) The Secretary of Health and Human Services shall cause a study to be conducted to determine the incidence and prevalence of the abuse of multiple forms of drugs, including alcohol, among Indian youth residing on Indian reservations and in urban areas and the interrelationship of such abuse with the incidence of mental illness among such youth.

"(2) The Secretary shall submit such report, together with his recommendations relating to his findings, to the Congress no later than two years after the date of enactment of this Act.

"(3) There is hereby authorized to be appropriated $500,000 to fund the study required by this subsection.".

(f) ALCOHOL AND SUBSTANCE ABUSE TREATMENT FACILITY.—(1) The Secretary of Health and Human Services, acting through the Indian Health Service, shall establish a regional youth alcohol and substance abuse prevention and treatment center in Sacaton, Arizona, on the Gila River Indian Reservation. The center shall be established within facilities leased, with the consent of the Gila River Indian Tribe, by the Indian Health Service from such Tribe.

(2) The center established pursuant to this subsection shall be known as the "Regional Youth Alcohol and Substance Abuse Prevention and Treatment Center".

(3) The Secretary of Health and Human Services, acting through the Indian Health Service, shall establish, as a unit of the regional center, a youth alcohol and substance abuse prevention and treatment facility in Schurz, Nevada.

(4) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 12. TRAINING AND COMMUNITY EDUCATION.

Subsection (d) of section 4228 (25 U.S.C. 2475(d)) is amended to read as follows:

"(d) AUTHORIZATION.—There are authorized to be appropriated for each of the fiscal years 1992, 1993, 1994, and 1995—

"(1) $3,500,000 to carry out the provisions of subsection (a), and

"(2) $2,000,000 to carry out the provisions of subsection (b).".

SEC. 13. GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.

Section 4229 of the Act of October 27, 1986 (25 U.S.C. 2476), as amended, is further amended to read as follows:

"SEC. 4229. GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.

"(a) GRANTS FOR RESIDENTIAL TREATMENT.—The Secretary of Health and Human Services shall make grants to the Navajo Nation for the purpose of providing residential treatment for alcohol and substance abuse for adult and adolescent members of the Navajo Nation and neighboring tribes.

"(b) PURPOSES OF GRANTS.—Grants made pursuant to this section shall be used to—

"(1) provide at least 15 residential beds per annum for adult long-term treatment, including beds for specialized services such as polydrug abusers, dual diagnosis, and specialized services for women with fetal alcohol syndrome (FAS) children;

"(2) establish clinical assessment teams which shall consist of a clinical psychologist, a part-time addictionologist, a master's level assessment counselor and a certified medical records technician and which shall be responsible for conducting individual assessments and matching Indian clients with the appropriate available treatment;

"(3) provide at least 12 beds for an adolescent shelterbed program in the city of Gallup, New Mexico, which will serve as a satellite facility to the Acoma/Canoncito/Laguna Hospital and the adolescent center located in Shiprock, New Mexico, for emergency crisis services, assessment, and family intervention;

"(4) develop a relapse prevention program which will be responsible for identifying sources of job training and job opportunity in the Gallup area and for providing vocational training, job placement and job retention services to recovering substance abusers; and

"(5) provide continuing education and training in the areas of intensive outpatient services, development of family support systems and case management for treatment staff in cooperation with regional colleges, community colleges, and universities in the area.

"(c) CONTRACT FOR RESIDENTIAL TREATMENT.—The Navajo Nation, in carrying out the purposes of this section, shall enter into a contract with an institution in the Gallup, New Mexico, area which is accredited by the Joint Commission on the Accreditation of Health Care Organizations to provide comprehensive alcohol and drug treatment as authorized in subsection (b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated—

"(1) to carry out the purposes of subsection (b)(1) $400,000 for fiscal year 1993, $400,000 for fiscal year 1994, and $500,000 for fiscal year 1995;

"(2) to carry out the purposes of subsection (b)(2) $100,000 for fiscal year 1993, $125,000 for fiscal year 1994, and $150,000 for fiscal year 1995;

"(3) to carry out the purposes of subsection (b)(3) $75,000 for fiscal year 1993, $85,000 for fiscal year 1994, and $100,000 for fiscal year 1995;

"(4) to carry out the purposes of subsection (b)(4) $150,000 for fiscal years 1993, 1994, and 1995; and

"(5) to carry out the purposes of subsection (b)(5) $75,000 for fiscal year 1993, $90,000 for fiscal year 1994, and $100,000 for fiscal year 1995.".

SEC. 14. URBAN INDIAN PROGRAM.

Subsection (e) of section 4231 (25 U.S.C. 2478(e)) is amended to read as follows:

"(e) AUTHORIZATION FOR GRANT PROGRAM.—There are authorized to be appropriated $5,000,000 for fiscal year 1992 and $7,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out the purposes of this section.".

SEC. 15. FETAL ALCOHOL SYNDROME.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act is amended by adding at the end thereof the following new section 4232:

"SEC. 4232. FETAL ALCOHOL SYNDROME GRANTS.

"(a) The Secretary of Health and Human Services is authorized to make grants to Indian tribes to establish fetal alcohol syndrome (FAS) programs as provided in this section.

"(b)(1) Grants made pursuant to this section shall be used to—

"(A) identify and provide alcohol and substance abuse treatment to high-risk women;

"(B) develop and provide community training, education, and prevention programs relating to fetal alcohol syndrome; and

"(C) develop, encourage, and where necessary, provide for special services and education programs for fetal alcohol syndrome and fetal alcohol effect victims.

"(2) The Secretary shall establish criteria for the review and approval of application for grants under this section.

"(c) The Secretary shall provide assistance to Indian tribes in the development, printing, and dissemination of education and prevention materials on FAS and not more than $220,000 of the funds appropriated pursuant to this section shall be used for this purpose.

"(d)(1) There are hereby authorized to be appropriated $10,000,000 for each of the fiscal years 1993, 1994, and 1995 for the purposes of this section.

"(2) Ten percent of the funds appropriated pursuant to this subsection shall be used to make grants to urban Indian organizations.".

SEC. 16. ALASKA NATIVE DRUG AND ALCOHOL ABUSE DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROGRAM.—The Secretary of Health and Human Services, acting through the Service, shall make grants to the Alaska Native Health Board for the conduct of a two-part community-based demonstration project to reduce drug and alcohol abuse in Alaska Native villages and to rehabilitate families afflicted by such abuse. Sixty percent of such grant funds shall be employed by the Health Board to stimulate coordinated community development programs in villages seeking to organize to combat alcohol and drug use. Forty percent of such grant funds shall be transferred to a qualified nonprofit corporation providing alcohol recovery services in the village of St. Mary's, Alaska, to enlarge and strengthen a family life demonstration program of rehabilitation for families that have been or are afflicted by alcoholism.

(b) EVALUATION AND REPORT.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall evaluate the program established under subsection (a) of this section and submit a report on such evaluation to the appropriate committees of Congress by January 1, 1992.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of making grants under subsection (a) of this section $1,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

SEC. 17. TREATMENT CENTER.

(a) GRANT.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall make a grant to the Thunderchild Treatment Center at Sheridan, Wyoming, to match funds already received by the Thunderchild Treatment Center through private contributions for the completion of construction of a multiple approach substance abuse treatment center which specializes in the treatment of alcohol and drug abuse of American Indians.

(b) AUTHORIZATION.—To carry out subsection (a), there is authorized to be appropriated, the sum of $2,000,000 for fiscal year 1992. No funding shall be made available for staffing or operation of this facility. None of the funding appropriated to carry out subsection (a) shall be used for administrative purposes.

SUMMARY OF THE INDIAN ANTI-DRUG ABUSE AMENDMENTS OF 1991

Sec. 1. Short Title: Amendments to Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.

Provides that this title may be cited as the "Indian Anti-Drug Abuse Amendments of 1991".

Provides that whenever a section or other provision is amended or repealed, such amendment or repeal is to be made to that section or other provision of P.L. 99-570.

Sec. 2. Authorization of Appropriations for Grants.

Amends Sections 4206(d)(2) of the Anti-Drug Abuse Act of 1986 by striking out "1987, 1988 and 1989" where it appears and inserting in lieu thereof an authorization of appropriations "not to exceed $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for grants under this subsection.".

Sec. 3. Technical Amendments to Section 4209.

Amends Subsection (a) of section 4290 by striking the word "Interior" and inserting, in lieu thereof, "Interior's" and by striking the phrase "shall b" and inserting, in lieu thereof, the phrase "shall be".

Sec. 4. Newsletter Authorizations.

Amends Subsection (b) of Section 4210 by authorizing to be appropriated $500,000 for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this section.

Sec. 5. Indian Education Programs.

Amends Section 4212(a) by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1992, 1993, 1994, and 1995".

Sec. 6. Emergency Shelters and Halfway Houses.

Amends paragraph (1) of section 4213(e) by authorizing appropriations of $7,000,000 for fiscal year 1992, and $3,000,000 for each of the fiscal years 1993, 1994, and 1995.

Sec. 7. Illegal Narcotics Traffic.

Paragraph (1) of Section 4216(a) is amended by inserting a new subparagraph which includes the Makah Indian Tribe of Washington in the international investigation and control of illegal narcotic traffic on the Makah Indian Reservation.

Paragraph (3) of section 4216(a) is amended to reauthorize the appropriation of $500,000 for the Tohono O'Odham Nation and $450,000 for the St. Regis Mowhawk Tribe in fiscal years 1992, 1993, 1994, and 1995, and to authorize for appropriation $450,000 for the Makah Indian Tribe during this same period.

Paragraph (1) of section 4216(b) is amended to expand the program for the eradication of marijuana cultivation by adding "interdiction, investigation and control of illegal narcotics trafficking" to this section.

The authorization for appropriation, under paragraph (3) of section 4216(b) is amended by increasing the authorization from $500,000 to $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Sec. 8. Law Enforcement and Judicial Training.

Subsection (b) of Section 4218 is amended to increase the authorization from $1,500,000 to $1,650,000 for each of the fiscal years 1992, 1993, 1994, and 1995. Section 4218 authorizes the Secretary to establish supplemental training programs for judicial and law enforcement personnel to improve the investigation and prosecution of cases involving illegal narcotics.

Sec. 9. Juvenile Detention Centers.

Subsection (b) of section 4220 is amended to increase the authorization from $5,000,000 to $5,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995. Section 4220 authorizes the Secretary to construct or renovate new or existing juvenile detention centers.

Sec. 10. Indian Health Service Program.

Section 4226 is amended with a technical correction to include proper identification and headings for subsections (a) and (b). Subsection 4226 is further amended to direct the Secretary to assist tribes in the development of criteria for the certification of alcohol and substance abuse service providers and facilities. Finally, section 4226 is amended to increase the authorization for services from $10,000,000 to $11,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Sec. 11. Indian Health Service Youth Program.

Treatment Centers: Subsection (a), paragraph (1), amends subsection 4227(b) of the Act by extending the authorization for appropriations for the construction of renovation of regional treatment centers at $3,000,000 for fiscal year 1991 and $4,500,000 for fiscal years 1992, 1993, 1994, and 1995.

Paragraph (2) amends subsection 4227(b) by adding a new paragraph (3) which authorizes the use of funds under subsection 4227(b) by the Tanana Chiefs Conference, Inc., of Alaska for the leasing, construction, renovation and operation and maintenance of a residential youth treatment facility in Fairbanks, Alaska.

Federally Owned Structures: Subsection (b) amends subsection 4227(c) of the Act to extend the authorization of appropriations for the use of federally-owned structures for treatment centers at $3,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Rehabilitation and Aftercare Services: Subsection (c) amends subsection 4227(d) to extend the authorization of appropriations for rehabilitation and aftercare services at $13,000,000 for fiscal year 1992, $14,000,000 for fiscal years 1993, $15,000,000 for fiscal year 1994, and $16,000,000 for fiscal year 1995.

Adult Family Outpatient Care: Subsection (d) amends subsection 4227(e) of the Act, related to the inclusion of the family in youth treatment, by providing that not less than 10 percent of the funds appropriated pursuant to subsection 4227(d) shall be used for outpatient care of adult family members.

Multidrug Abuse Study: Subsection (e) amends section 4227 by adding a new subsection (f) which provides for a study and report to the Congress by the Secretary of Health and Human Services of multi-drug abuse among Indian youth and authorizes the appropriation of $500,000 for such study.

Alcohol and Substance Abuse Treatment Facility: Subsection (f) amends the Anti-Drug Abuse Act by adding clarifying language regarding the establishment of the "Regional Youth Alcohol and Substance Abuse Prevention and Treatment Center" in Sacaton, Arizona, on the Gila River Indian Reservation. In addition to this center, a youth alcohol and substance abuse prevention and treatment facility in Schurz, Nevada. An authorization for appropriations of "such sums as may be necessary" to carry out this subsection is mentioned.

Sec. 12. Training and Community Education.

Amends subsection 4228(d) of the Act, relating to training and community education, to extend the authorization of appropriations for such activities by $3,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for community education and $2,000,000 for each of such fiscal years for training.

Sec. 13. Gallup Alcohol and Substance Abuse Treatment Center.

Amends section 4229 of the Act, which established a Navajo alcohol rehabilitation demonstration program for Gallup, New Mexico, by striking all of the existing language and inserting new language establishing a grant program for a Gallup Alcohol and Substance Abuse Treatment Center as follows:

Subsection (a) authorizes the Secretary of Health and Human Services to make grants to the Navajo Nation to provide residential treatment for alcohol and substance abuse by adult and adolescent members of the Navajo Nation and neighboring tribes.

Subsection (b) defines the purpose for which such grants will be made relating to the provision of such treatment.

Subsection (c) provides that the Navajo Nation shall enter into a contract with a local institution in the Gallup area which is accredited to provide such treatment by the Joint Commission on the Accreditation of Health Care Organizations.

Subsection (d) makes separate authorizations of appropriations to carry out each of the defined purposes at a total $850,000 for fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995.

Sec. 14. Urban Indian Program.

Amends subsection 4231(e) of the Act to extend the authorization of appropriations for urban Indian programs in alcohol and substance abuse at $5,000,000 for fiscal year 1992 and $7,000,000 for each of the fiscal years 1993, 1994, and 1995.

Sec. 15. Fetal Alcohol Syndrome.

Amends the Indian Alcohol and Substance Abuse Prevention Act by adding a new section 4232 establishing Fetal Alcohol Syndrome (FAS) Grants as follows:

Subsection (a) authorizes the Secretary of Health and Human Services to make grants to Indian tribes to establish FAS programs.

Subsection (b) defines the uses of such grants and provides that the Secretary shall establish criteria for the review and approval of grant applications.

Subsection (c) authorizes the use of not more than $220,000 appropriated pursuant to subsection (d) for the development, printing and dissemination of materials on education and prevention of FAS.

Subsection (d) authorizes the appropriation of $10,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out the purposes of the section and provides that 10 percent of such funds shall be used for grants to urban Indian organizations.

Sec. 16. Alaska Native Drug and Alcohol Abuse Demonstration Project.

Provides a new section to reduce drug and alcohol abuse in Alaska Native villages. The Secretary, acting through the IHS, is authorized to make grants to the Alaska Native Health Board to conduct a two-part demonstration project. Sixty percent of such grant funds shall be awarded to initiate coordinated community development programs to address alcohol and drug use. Forty percent of such grant funds shall be transferred to a non-profit corporation in the village of St. Mary's, Alaska, to expand and strengthen family rehabilitation services. An evaluation of these programs is required in fiscal year 1992. The authorization for appropriations is $1,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Sec. 17. Wyoming Treatment Center.

Provides a new section to authorize a grant, through the IHS, to the Thunderchild Treatment Center at Sheridan, Wyoming, to match funds already received through private contributions for the completion of construction of a multiple approach substance abuse treatment center. An authorization for an appropriation of $2,000,000 in fiscal year 1992 is provided. No funding shall be made available for staffing or operation of this facility and none of the funding appropriated to carry out this section shall be used for administrative purposes.●

● Mr. MURKOWSKI. Mr. President, I am pleased to join the vice chairman of the Select Committee on Indian Affairs, Senator MCCAIN, in sponsoring the Indian Anti-Drug Abuse Amendments of 1991.

Senator MCCAIN has pointed out, but it is worth reemphasizing, that these amendments are aimed at problems not only of illegal substance abuse, but at problems arising from alcohol as well.

Like other States, Alaska has serious problems of both substance and alcohol abuse. Among the Eskimos, Indians, and Aleuts, the graver problem is that of alcohol abuse and the tragedies—suicide, family violence, infant mortality, and handicapping conditions—that accompany such abuse.

Mr. President, in testimony presented before the Select Committee on Indian Affairs during the last Congress, the statewide Alaska Federation of Natives described in very stark terms the consequences of alcohol abuse among Natives, calling alcohol abuse an epidemic of a new kind, a plague of our times. In rural Alaska, the Federation told us, "virtually every Native family has been affected by alcohol abuse and senseless death."

In that testimony, it is important to point out, the Federation also told us of its formation of a special commission to address problems of drug and alcohol abuse, of its own prohibition of alcohol use at functions it sponsors, and of the adoption of ordinances by nearly half of the villages to curb or end the use of alcohol.

Mr. President, what this legislation promises is assistance to efforts like those being made by Alaska's Native organizations and villages. It is for that reason that I was sorely disappointed at the failure of the House of Representatives to act upon a similar bill which we passed in the Senate during the last session.

Two struggling programs which are widely applauded for the beginnings they have made would be special beneficiaries of this legislation—the statewide community self-help Raven project and the St. Mary's village family-based alcohol recovery project. In addition, this bill would resolve a technical issue that has arisen in connection with a youth treatment center operated by the Tanana Chiefs Conference.

In its broader provisions and its reauthorization of existing programs, this legislation will help meet very grave problems in American Indian and Alaska Native communities. Given the Senate's approval during the last Congress, I am counting upon early action by the Select Committee on Indian Affairs so that it may be promptly brought to the floor again for approval.●

By Mr. MCCAIN:

S. 291. A bill to settle certain water rights claims of the San Carlos Apache Tribe; to the Select Committee on Indian Affairs.

SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT

● Mr. MCCAIN. Mr. President, I rise today to introduce legislation to provide for the settlement of the water rights of the San Carlos Apache Tribe in the State of Arizona.

The bill I introduce today is identical to H.R. 5539, which passed the House in the final days of the 101st Congress. Unfortunately, the Senate did not have time to consider H.R. 5539 prior to adjournment. It is my understanding that Representatives UDALL and RHODES are introducing this bill in the House today.

Mr. President, this bill reflects several years of intense work by the Department of the Interior, the San Carlos Apache Tribe, the Salt River project, the Roosevelt Water Conservation District, the State of Arizona, the cities of Globe, Chandler, Glendale, Goodyear, Mesa, Peoria, Phoeniz, Scottsdale, and Tempe, and the towns of Safford and Gilbert. The Phelps Dodge Corp. and the Gila River Indian community, among others, have also participated in bringing about this settlement.

As is the case in all true compromises, not everyone who may be affected by this settlement is entirely happy with the provisions of this bill. It is my intent to work closely with all affected parties to attempt to resolve any outstanding concerns. To that end, I am pleased that Representative UDALL, the distinguished chairman of the House Committee on Interior and Insular Affairs, has agreed to hold a joint hearing on this bill in early March with the Senate Select Committee on Indian Affairs. I am hopeful that we will be able to move expeditiously following that hearing to bring this bill before the full Senate for consideration.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

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

S. 291

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 "San Carlos Apache Tribe Water Rights Settlement Act of 1991".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) SPECIFIC FINDINGS.—The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) quantification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation

economies particularly in arid western States;

(4) on November 9, 1871, and by actions subsequent thereto, the United States Government established a reservation for the San Carlos Apache Tribe in Arizona;

(5) the United States, as trustee for the San Carlos Apache Tribe, obtained water entitlements for the Tribe pursuant to the Globe Equity Decree of 1935; however, continued uncertainty as to the full extent of the Tribe's entitlement to water has severely limited the Tribe's access to water and financial resources necessary to develop its valuable agricultural lands and frustrated its efforts to reduce its dependence on Federal program funding and achieve meaningful self-determination and self-sufficiency;

(6) proceedings to determine the full extent and nature of the Tribe's water rights are currently pending before the United States District Court in Arizona and in the Superior Court of the State of Arizona in and for Maricopa County, as part of the General Adjudication of the Gila River System and Source;

(7) recognizing that final resolution of pending litigation will take many years and entail great expense to all parties, continue economically and socially damaging limits to the Tribe's access to water, prolong uncertainty as to the availability of water supplies and seriously impair the long-term economic planning and development of all parties, the Tribe and its neighboring non-Indian communities have sought to settle their dispute to water and reduce the burdens of litigation;

(8) after lengthy negotiations, which included participation by representatives of the United States Government, the Tribe, and neighboring non-Indian communities of the Salt River and Gila River Valleys, who are all party to the General Adjudication of the Gila River System and Source, the parties are prepared to enter into an Agreement to resolve all water rights claims between and among themselves, to quantify the Tribe's entitlement to water, and to provide for the orderly development of the Tribe's lands;

(9) pursuant to the Agreement, the neighboring non-Indian communities will relinquish claims to approximately 58,735 acre-feet of surface water to the Tribe, provide the means of storing water supplies of the Tribe behind Coolidge Dam on the Gila River in Arizona to enhance fishing, recreation, and other environmental benefits, and make substantial additional contributions to carry out the Agreement's provisions; and

(10) to advance the goal of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Agreement and contribute funds for the rehabilitation and expansion of existing reservation irrigation facilities so as to enable the Tribe to utilize fully its water resources in developing a diverse, efficient reservation economy.

(b) PURPOSES OF ACT.—It is the purpose of this Act—

(1) to approve, ratify, and confirm the Agreement to be entered into by the Tribe and its neighboring non-Indian communities,

(2) to authorize and direct the Secretary of the Interior to execute and perform such Agreement, and

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Tribe as provided in the Agreement and this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) "Active conservation capacity" means that storage space, exclusive of bank storage, available to store water which can be released through existing reservoir outlet works.

(2) "Agreement" means that agreement among the San Carlos Apache Tribe; the United States of America; the State of Arizona, the Salt River Project Agricultural Improvement and Power District; the Salt River Valley Water Users' Association; the Roosevelt Water Conservation District; the Arizona cities of Chandler, Glendale, Globe, Mesa, Safford, Scottsdale and Tempe, the Town of Gilbert; Buckeye Water Conservation and Drainage District, Buckeye Irrigation Company, and the Phelps Dodge Corporation, together with all exhibits thereto, as the same is executed by the Secretary of the Interior pursuant to sections 10(c) and 11(a)(7) of this Act.

(3) "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(4) "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 15, 1972, for the delivery of water and repayment of costs of the Central Arizona Project.

(5) "Globe Equity Decree" means the decree dated June 29, 1935, entered in the United States of America v. Gila Valley Irrigation District, et al., Globe Equity 59, in the District Court of the United States in and for the District of Arizona, and all decrees and decisions supplemental thereto.

(6) "Reservation" means the reservation authorized by the Treaty with the Apache Nation dated July 1, 1852, 10 Stat. 979 (1852) established by the Executive Order of November 9, 1871, Executive Order of December 14, 1872, and the Executive Order of August 5, 1873.

(7) "RWCD" means the Roosevelt Water Conservation District, an irrigation district organized under the laws of the State of Arizona.

(8) "Secretary" means the Secretary of the Interior.

(9) "SRP" means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona corporation.

(10) "SCIP" means the San Carlos Irrigation Project authorized pursuant to the Act of June 7, 1924 (42 Stat. 475), expanded pursuant to the Act of March 7, 1928 (45 Stat. 200, 210), and administered by the Bureau of Indian Affairs.

(11) "Tribe" means the San Carlos Apache Tribe, a Tribe of Apache Indians organized under section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 987 (25 U.S.C. 476), and duly recognized by the Secretary.

SEC. 4. WATER.

(a) REALLOCATION OF WATER.—The Secretary shall reallocate, for the exclusive use of the Tribe all of the water referred to in subsection (f)(2) of section 2 of the Act of October 19, 1984 (98 Stat. 2698), which is not required for delivery to the Ak-Chin Indian Reservation under that Act.

(b) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe an annual entitlement to 14,655 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to Phelps Dodge Corporation in the Notice of Final Water Allocations to Indian and non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 Fed. Reg. 2446 et seq., March 24, 1983). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245 between the United States and CAWCD dated December 15, 1972, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(c) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe an annual entitlement to 3,480 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to the City of Globe, Arizona in the Notice of Final Water Allocations to Indian and Non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 Fed. Reg. 2446, et seq., March 24, 1983). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245 between the United States and CAWCD dated December 15, 1972, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(d) WATER STORAGE POOL.—Notwithstanding the Act of June 7, 1924 (43 Stat. 475), as amended by the Act of March 7, 1928 (45 Stat. 200, 210), in order to permit the Tribe to maintain permanently a pool of stored water for fish, wildlife, recreation and other purposes, the Secretary shall designate for the benefit of the Tribe such active conservation capacity behind Coolidge Dam on the Gila River in Arizona as is not being used by the Secretary to meet the obligations of SCIP for irrigation storage, except that any water stored by the Tribe shall be the first water to spill ("spill water") from Coolidge Dam. The water stored by the Tribe shall be, at the Tribe's designation, the water provided to the Tribe pursuant to subsections (a), (b) and (c) of this section, its entitlement under its Tribal CAP Delivery Contract, or any combination thereof. Evaporation losses shall be deducted daily from the Tribe's stored water balance as provided in the Agreement. The Tribe shall pay an equitable share of the operation and maintenance costs for the water stored for the benefit of the Tribe, subject to the Act of July 1, 1932 (47 Stat. 564).

(e) EXECUTION OF AGREEMENT.—The Secretary shall execute the Agreement which establishes, as between and among the parties to Agreement, the Tribe's permanent right, except as provided in paragraphs 13.0, 15.0 and 23.4, to the on-reservation diversion

and use of all ground water beneath the Tribe's Reservation, subject to the management plan referred to in section 10(d), and all surface water in all tributaries within the Tribe's Reservation to the mainstreams of: The Black River, the Salt River below its confluence with the Black River, the San Pedro River and the Gila River, including the right, except as provided in paragraphs 15.0 and 23.4, to fully regulate and store such water on the tributaries. The Tribe's rights to the mainstream of Black River, San Pedro River and the Gila River shall be as provided in the Agreement and the Globe Equity Decree as amended. With respect to parties not subject to the waiver authorized by subsection 8(b), the claims of the Tribe and the United States, as trustee for the Tribe, are preserved.

SEC. 5. RATIFICATION AND CONFIRMATION OF CONTRACTS.

(a) RATIFICATION OF CONTRACT.—Except as provided in section 10(h), the contract between the SRP and the RWCD District dated October 24, 1924, together with all amendments thereto and any extension thereto entered into pursuant to the proposed Agreement, is ratified, confirmed, and declared to be valid.

(b) SUBCONTRACT.—The Secretary shall revise the subcontract of the Roosevelt Water Conservation District for agricultural water service from the CAP to include an addendum substantially in the form of Exhibit "A" to the Agreement and to execute the subcontract as revised. Notwithstanding any other provision of law, the Secretary shall approve the conversions of agricultural water to municipal and industrial uses authorized by the addendum at such time or times as the conditions authorizing such conversions, as set forth in the addendum, are found to exist.

(c) REMOVAL OF RESTRICTIONS.—The lands within RWCD and SRP shall be free from the ownership limitations of Federal reclamation law and all full cost pricing provisions of Federal law.

(d) DISCLAIMER.—Neither the Salt River Valley Water Users' Association nor the Salt River Project Agricultural Improvement and Power District shall become subject to the provisions of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) by virtue of their participation in the settlement or their execution and performance of the proposed Agreement, including but not limited to any exchanges of, or leases of, CAP water.

(e) FULL COSTS PRICING PROVISIONS.—The lands within the Tribe's Reservation shall be free from all full cost pricing provisions of Federal law.

(f) CERTAIN EXTENSIONS AUTHORIZED.—The Secretary, subject to tribal approval, is authorized to: extend the term of that right-of-way permit granted to Phelps Dodge Corporation on March 8, 1950, and all amendments thereto, for the construction, operation and maintenance of an electrical transmission line and existing road for access to those facilities over the lands of the Tribe; extend the term of that right-of-way permit numbered 2000089 granted on July 25, 1944, to Phelps Dodge Corporation, and all amendments thereto, for the construction, use, operation and maintenance of a water plant, pipeline, canal, water flowage easement through Willow Creek and existing road for access to those facilities over the lands of the Tribe; and grant a water flowage easement through the portions of Eagle Creek flowing through the Tribe's Reservation. Notwithstanding any other provision of law, each such right-of-way and flowage easement shall be for a term expiring on March 8, 2090, and shall be subject to the right of Phelps Dodge to renew the rights-of-way and flowage easements for an additional term of up to 100 years, subject to payment of rental at a rate based upon fair market rental value.

SEC. 6. WATER DELIVERY CONTRACT AMENDMENTS; WATER LEASE, WATER WITHDRAWAL.

(a) AMENDMENT OF CONTRACT.—The Secretary shall amend the CAP water delivery contract between the United States and the Ak-Chin Indian Community dated December 11, 1980, and the contract between the United States and the Ak-Chin Indian Community dated October 2, 1985, as is necessary to satisfy the requirements of section 4(a) of this Act.

(b) CONTRACT AMENDMENT.—The Secretary shall amend the CAP water delivery contract between the United States and the Tribe dated December 11, 1980 (hereinafter referred to as the "Tribal CAP Delivery Contract"), as follows:

(1) To include the obligation by the United States to deliver water to the Tribe upon the same terms and conditions set forth in the Tribal CAP Delivery Contract as follows: water from those sources described in subsections (a), (b), and (c) of section 4 of this Act; except that the water reallocated pursuant to such subsections shall retain the priority such water had prior to its reallocation. The cost to the United States to meet the Secretary's obligation to design and construct new facilities to deliver CAP water shall not exceed the cost of construction of the delivery and distribution system for the 12,700 acre-feet of CAP water originally allocated to the Tribe.

(2) To extend the term of such contract to December 31, 2099, and to provide for its subsequent renewal upon the same terms and conditions as the Tribal CAP Delivery Contract, as amended.

(3) To authorize the Tribe to lease or to enter into an option or options to lease the water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, within Maricopa, Pinal and Pima Counties for terms not exceeding one hundred years and to renew such leases.

(4) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, to the City of Scottsdale under the terms and conditions of the Water Lease set forth in Exhibit "B" to the Agreement.

(5) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, including, but not limited to, the cities of Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe and the Town of Gilbert.

(c) APPROVAL OF AMENDMENTS.—Notwithstanding any other provision of law, the amendments to the Tribal CAP Delivery Contract set forth in Exhibit "C" to the Agreement are hereby authorized, approved and confirmed.

(d) CHARGES NOT TO BE IMPOSED.—The United States shall not impose upon the Tribe the operation, maintenance and replacement charges described and set forth in section 6 of the Tribal CAP Delivery Contract or any other charge with respect to CAP water delivered or required to be delivered to the lessee or lessees of the options to lease or leases herein authorized.

(e) WATER LEASE.—Any Water Lease entered into by the Tribe as authorized by section 6 shall specifically provide that—

(1) the lessee shall pay all operation, maintenance and replacement costs of such water to the United States, or if directed by the Secretary, to CAWCD; and

(2) the lessee shall not be obligated to pay water service capital charges or municipal and industrial subcontract charges or any other charges or payment for such CAP water other than the operation, maintenance and replacement costs and lease payments.

(f) ALLOCATION AND REPAYMENT OF COSTS.—For the purpose of determining allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract Numbered 14-06-W-245 between the United States of America and CAWCD dated December 15, 1972, and any amendment or revision thereof, the costs associated with the delivery of CAP water to the lessee or lessees of the options to lease or leases herein authorized shall be non-reimbursable, and such costs shall be excluded from CAWCD's repayment obligation.

(g) AGREEMENTS.—The Secretary shall, in consultation with the Tribe, enter into agreements necessary to permit the Tribe to exchange, within the State of Arizona, all or part of the water available to it under its Tribal CAP Delivery Contract, as amended.

(h) RATIFICATION.—As among the parties to the Agreement, the right of the City of Globe to withdraw and use water from under the Cutter subarea under the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(i) USE OF WATER.—As among the parties to the Agreement, the right of the City of Safford to withdraw and use water from the Bonita Creek watershed as provided in the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(j) WITHDRAWAL AND USE OF WATER.—As between the Tribe and Phelps Dodge, the right of Phelps Dodge to divert, withdraw and use water as provided in the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(k) PROHIBITIONS.—Except as authorized by this section, no water made available to the Tribe pursuant to the Agreement, the Globe Equity Decree, or this Act may be sold, leased, transferred or in any way used off the Tribe's Reservation.

SEC. 7. CONSTRUCTION AND REHABILITATION; TRUST FUND.

(a) DUTIES.—The Secretary is directed—

(1) pursuant to the existing authority of the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) to design and construct new facilities for the delivery of 12,700 acre-feet of CAP water originally allocated to the Tribe to tribal reservation lands at a cost which shall not exceed the cost for such design and construction which would have been incurred by the Secretary in the absence of the Agreement and this Act; and

(2) to amend the contract between the United States Economic Development Administration and the Tribe relating to the construction of Elgo Dam on the San Carlos Apache Indian Reservation, Project No. 07-81-000210, to provide that all remaining repayment obligations owing to the United States on the date of the enactment of this Act are discharged.

(b) FUND.—There is established in the Treasury of the United States a fund to be known as the "San Carlos Apache Tribe Development Trust Fund" (hereinafter called the "Fund") for the exclusive use and benefit of the Tribe. The Secretary shall deposit into the Fund the funds authorized to be appropriated in subsection (c) and the $3,000,000 provided by the State of Arizona pursuant to the Agreement. There may be deposited into

the Fund, at the discretion of the Tribe, any monies paid to the Tribe or to the Secretary on behalf of the Tribe from leases or options to lease water authorized by section 6 of this Act.

(c) AUTHORIZATION.—There are authorized to be appropriated $12,000,000 in fiscal year 1992, $12,000,000 in fiscal year 1993, and $12,200,000 in fiscal year 1994, together with interest accruing thereon beginning one year from the date of enactment of this Act at rates determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, to carry out the provisions of subsection (b).

(d) USE OF FUND.—When the authorizations contained in section 8(b) of this Act are effective, the principal of the Fund and any interest or income accruing thereon may be used by the Tribe to put to beneficial use the Tribe's water entitlement, to defray the cost to the Tribe of CAP operation, maintenance and replacement charges as appropriate, and for other economic and community development purposes. The income from the Fund shall be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The principal from the Fund may be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council and the Secretary. Such principal may thereafter be expended only in accordance with such budget; provided, however, that the principal may only be utilized for long term economic development projects.

(e) DISCLAIMER.—The United States shall not be liable for (1) any claim or cause of action arising from the Tribe's use or expenditure of monies distributed from the Fund; and, (2) any monies paid directly to the Tribe or to the Secretary on behalf of the Tribe which are not deposited into the Fund pursuant to subsection (b) but are paid to the Tribe by the Secretary.

SEC. 8. SATISFACTION OF CLAIMS.

(a) FULL SATISFACTION OF CLAIMS.—Except as provided in subsection (e), the benefits realized by the Tribe and its members under this Act shall constitute full and complete satisfaction of all members' claims for water rights or injuries to water rights under Federal, State and other laws (including claims for water rights in ground water, surface water, and effluent) from time immemorial to the effective date of this Act. Notwithstanding the foregoing, nothing in this Act shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's Reservation.

(b) RELEASE.—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, authorized, as part of the performance of the obligations under the Agreement, to execute a waiver and release, except as provided in the Agreement, of all claims of water rights or injuries to water rights (including water rights in ground water, surface water and effluent), from time immemorial to the effective date of this Act, and any and all future claims of water rights (including water rights in ground water, surface water and effluent), from and after the effective date of this Act, which the Tribe and its members may have, against the United States, the State of Arizona or any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise.

(c) ADDITIONAL RELEASES.—Except as provided in the Agreement, the United States shall not assert any claim against the State of Arizona or any political subdivision thereof, or any person, corporation or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise in its own right or on behalf of the Tribe based upon—

(1) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) of the Tribe and its members, or

(2) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) held by the United States on behalf of the Tribe and its members.

(d) SAVINGS PROVISION.—In the event the authorizations contained in subsection (b) of this section do not become effective pursuant to section 10(a), the Tribe and the United States shall retain the right to assert past and future water rights claims as to all Reservation lands.

(e) DISCLAIMER.—Nothing in this Act shall affect the water right or claims related to the San Carlos Apache Allotments outside the exterior boundaries of the Reservation.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

(a) NO MAJOR FEDERAL ACTION.—Execution of the settlement agreement by the Secretary as provided for in section 10(c) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all necessary environmental compliance during the implementation phase of this settlement.

(b) AUTHORIZATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out all necessary environmental compliance associated with the settlement under this Act, including mitigation measures adopted by the Secretary.

(c) LEAD AGENCY.—With respect to such settlement, the Bureau of Reclamation shall be designated as the lead agency in regard to environmental compliance, and shall coordinate and cooperate with the other affected Federal agencies as required under applicable Federal environmental laws.

(d) ENVIRONMENTAL ACTS.—The Secretary shall comply with all aspects of the National Environmental Act, and the Endangered Species Acts (16 U.S.C. 1531 et seq.), and other applicable Federal environmental acts and regulations in proceeding through the implementation phase of such settlement.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—In the event any party to the Agreement files a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of this Act or the Agreement, naming the United States of America or the Tribe as parties, authorization is hereby granted to joining the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived.

(b) CERTAIN CLAIMS PROHIBITED.—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Agreement against any lands within the San Carlos Apache Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) APPROVAL OF AGREEMENT.—Except to the extent that the Agreement conflicts with the provisions of this Act, such Agreement is hereby approved, ratified and confirmed. The Secretary shall execute and perform such Agreement as approved, ratified and confirmed. The Secretary is authorized to execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(d) GROUND WATER MANAGEMENT PLAN.—The Secretary shall establish a ground water management plan for the San Carlos Apache Reservation which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as a management plan developed under Arizona law.

(e) AMENDMENT TO RATIFY ACT OF APRIL 4, 1938.—The Act of April 4, 1938 (52 Stat. 193, 25 U.S.C. 390) is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided, further* That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe".

(f) LIMITATION.—No part of the Fund established by section 7(b) of this Act, including principal and income, or income from options to lease water or water leases authorized by section 6, may be used to make per capita payments to members of the Tribe.

(g) DISCLAIMER.—Nothing in this Act shall be construed to repeal, modify, amend, change or affect the Secretary's obligations to the Ak-Chin Indian Community pursuant to the Act of October 19, 1984 (98 Stat. 2698).

(h) WATER RIGHTS.—Nothing in this Act shall be construed to quantify or otherwise affect the water rights, claims or entitlements to water of any Arizona tribe, band or community, other than the San Carlos Apache Tribe.

SEC. 11. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF AUTHORIZATION.—The authorization contained in section 8(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the Secretary has fulfilled the requirements of sections 4 and 6;

(2) the Roosevelt Water Conservation District subcontract for agricultural water service from CAP has been revised and executed as provided in section 5(b);

(3) the funds authorized by section 7(c) have been appropriated and deposited into the Fund;

(4) the contract referred in section 7(a)(2) has been amended;

(5) the State of Arizona has appropriated and deposited into the Fund $3,000,000 as required by the Agreement;

(6) the stipulations attached to the Agreement as Exhibits "D" and "E" have been approved; and

(7) the Agreement has been modified, to the extent it is in conflict with this Act, and has been executed by the Secretary.

(b) CONDITIONS.—(1) If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) have not occurred by December 31, 1994, section 4, subsections (a), (b), and (e) of section 5, section 6, subsections (a)(2), (c), (d), and (e) of section 7, sub-

sections (b) and (c) of section 8, and subsections (a), (b), (c), (d), (e), (f), and (g) of section 10, together with any contracts entered into pursuant to any such section or subsection, shall not be effective on and after the date of enactment of this Act, and any funds appropriated pursuant to section 7(c), and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the Treasury, as general revenues, and any funds appropriated pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the State of Arizona.

(2) Notwithstanding the provision of paragraph (1), if the purposes of section 4 or subsection (a), (b), or (e) of section 5, of this Act have been otherwise accomplished pursuant to provisions of the Act of October 20, 1988, prior to the date of the enactment of this Act, the provisions of paragraph (1) shall not be construed as affecting such section or subsection.•

By Mr. McCAIN:

S. 292. A bill to expand the boundaries of the Saguaro National Monument; to the Committee on Energy and Natural Resources.

EXPANSION OF SAGUARO NATIONAL MONUMENT

• Mr. McCAIN. Mr. President, today I'm introducing legislation to expand the Saguaro National Monument located in Tucson, AZ. The measure seeks to enlarge this extremely popular monument by adding adjacent lands of spectacular beauty and superior ecological value. The bill is identical to the bill passed by the House on October 10 of last year. Unfortunately, the 101st Congress adjourned before further action could be taken.

The Saguaro National Monument was established in 1933 in order to preserve and protect "the exceptional growth thereon of various species of cacti including the majestic saguaro cactus." The people in my State value the outstanding natural resources with which we have been blessed. Saguaro National Monument is one of our most treasured resources and it has become a favorite spot for Arizonans and visitors to enjoy the outdoors and our unique desert environment.

The legislation I'm introducing today will authorize the addition of 3,540 acres to the Rincon unit of the monument—an area of 63,000 acres. The areas designated for inclusion abut the existing monument and contain outstanding natural features including an exceptional example of the Saguaro Cactus-Palo Verde uplands Sonoran Desert habitat. The land's healthy multiaged saguaro stands add ecological diversity to the present area, and is prime habitat for desert tortoise, gila monster, javelina, and numerous other species of reptiles, mammals, and birds typical of the ecologically rich Sonoran Desert. Additionally, the area contains important archeological and cultural sites.

The bill authorizes the Secretary of the Interior to acquire the land and all interest therein through donation, exchange, or purchase with donated or appropriated funds. The legislation was drafted, as is the normal practice, to provide the Secretary with the widest degree of discretion in acquiring the land, so that the Secretary could choose the appropriate time and means of acquisition consistent with existing priorities and resources. Considering the dire fiscal condition of the Federal Government, I would certainly expect the exchange option to be the appropriate alternative.

Legislation to expand the monument has received wide support including that of the Pima County Board of Supervisors, the city of Tucson, the Sierra Club, the Pima Trails Association, the Conservation Foundation, the Wilderness Society and the National Parks and Conservation Association. I would like to ask unanimous consent that letters from the Pima County Board of Supervisors, and the city of Tucson, and the environmental coalition in support of this initiative be printed in the RECORD upon the conclusion of my remarks.

Again, I would like to thank and congratulate the Tucson based Saguaro National Monument boundary review working group which has labored so diligently on the expansion plan, particularly Russ Butcher, Jim Norton, Ken Rait, Jim Nathanson, Doug Shakel, Luther Propst, William Lienesch, and Steven Whitney.

Arizona is blessed with a rich natural heritage—a heritage we are very proud of and fiercely determined to protect. As the population of Arizona grows, it's particularly important that we strive to preserve natural areas which are within or in close proximity to urban areas. The quality of life in our State depends on our ability to manage development in a way which respects and protects the natural beauty that makes our State such a unique and enjoyable place to live. Enactment of the Saguaro National Monument Expansion Act will help us accomplish that goal.

I look forward to a hearing on this legislation at the earliest possible time so that the Senate can examine the proposal in detail. I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

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

S. 292

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

SECTION 1. EXPANSION OF BOUNDARY.

(a) BOUNDARY REVISION.—(1) In order to protect, preserve, and interpret, for the education and benefit of the public, the area generally to the south of the Saguaro National Monument (referred to as the "national monument"), which contains—

(A) an exceptionally rich area of saguaro cactus-palo verde uplands Sonoran Desert habitat;

(B) an outstanding riparian corridor of large Arizona sycamores and cottonwoods;

(C) prime habitat supporting the desert tortoise, gila monster, javelina, and other species of reptiles, mammals, and birds; and

(D) important archaeological and cultural sites,

the boundaries of the national monument are revised to include the lands and interests in land as generally depicted on the map entitled "Saguaro National Monument Enhanced Boundary", numbered 151/91.001-D, and dated September 1990.

(2) The map described in paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior may acquire land and interests in land within the boundaries of the national monument by donation, purchase with donated or appropriated funds, or exchange.

(2) Lands and interests in lands within the boundaries of the national monument that are owned by the State of Arizona or any political subdivision thereof may be acquired only by donation or exchange.

(c) ADMINISTRATION.—Lands and interests in lands acquired pursuant to this Act shall be administered as part of the national monument and shall be subject to all laws applicable to the national monument.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PIMA COUNTY BOARD OF SUPERVISORS,
Tucson, AZ, August 1, 1990.

Hon. JOHN MCCAIN,
U.S. Senator, Senate Office Building, Washington, DC.

DEAR JOHN: Please find enclosed a copy of the Pima County Board of Supervisors Resolution No. 1990-118 endorsing the expansion of the Saguaro National Monument.

The Pima County Board of Supervisors wholeheartedly supports the expansion of the boundaries of the Saguaro National Monument to include this beautiful area which contains the richest stand of Saguaros I have ever seen in Arizona and John, you understand, Republicans will not lie. We would certainly love to have your support to accomplish the extra addition to the Saguaro National Monument.

In spite of what you read in the newspaper, our Board has been very active in obtaining pristine land and creeks which are so scarce in Arizona. We have added in the past week 25,820 total acres in the Cienega Creek area. Only 880 acres were purchased by the County, but BLM and Pima County have worked hand in hand in taking 75,000 acres of the Cienega and Empire Ranches out of the hands of developers and back into a natural preserve or conservation area, with a trail head and trails area going all the way to Sonoita. This purchase preserves riparian environment of the whole area and stopped the sand and gravel operation.

John, I hope you will give careful consideration to supporting the proposed expansion of the Saguaro National Monument efforts. Thank you for all your efforts on behalf of Southern Arizona.

Best regards,

REG T. MORRISON,
Chairman.

RESOLUTION 1990-118

Whereas, a coalition of local and national environmental organizations has recommended the enlargement of the boundaries of the eastern unit of the Saguaro National Monument; and

Whereas, the Saguaro/Palo Verde habitat of the foothills of the Rincon Mountains bordering the southern side of the Monument is an exceptionally rich area of Sonoran Desert uplands; and

Whereas, the stand of saguaros inhabiting these foothills comprises a particularly excellent, healthy, and multi-aged stand that is not only one of the finest in the region, but rivals or even exceeds the quality of stands presently featured within the Monument; and

Whereas, on June 5, 1990, the recommendation of the Sierra Club, the Pima Trails Association, the Conservation Foundation, the Wilderness Society, the National Parks and Conservation Association, and local environmental activist to expand the Saguaro National Monument was transmitted to Arizona's Congressional delegation; and

Whereas, a number of Arizona's Congressional delegates have sought the views of the National Park Service concerning the propriety and wisdom of expanding the eastern unit of the Saguaro National Monument; and now, therefore, be it

Resolved, That the Board of Supervisors of Pima County, State of Arizona, hereby recommends the inclusion of the lands within the Enhanced Monument Boundary into the eastern unit of the Saguaro National Monument. Be it further

Resolved, That the Clerk of the Board of Supervisors of Pima County be directed to immediately transmit this Resolution to the Director of the National Park Service and to Arizona's Congressional delegation.

Passed and adopted this 17th day of July, 1990, by the Pima County Board of Supervisors.

Memo: A Proposal to Expand the Rincon Mountain Unit of Saguaro National Monument, AZ.

From: National Parks and Conservation Association, The Wilderness Society, Sierra Club, The Conservation Foundation, Pima Trails Association, and Doug Shakel.

To: The Arizona Congressional Delegation.

Over the past several months, representatives of our organizations have explored possible addition of ecologically significant lands to the Rincon Mountain Unit of Saquaro National Monument. After consulting with a variety of individuals and organizations, including biologists, representatives of local, state, and national environmental groups, the Arizona State Land Department, and large land owners in the area, we are agreed upon a proposal for a boundary enhancement for Saguaro National Monument. The proposed boundary revision is indicated on the attached draft map for your consideration.

Our review of land suitable for inclusion in the monument began with an existing analysis of the botanical/ecological and archaeological attributes of all land in the Rincon Valley, independent of land ownership. This analysis, conducted by Dr. William Shaw, wildlife biologist at the University of Arizona; Mr. Mark Raming of SWCA Environmental Consultants; and Messrs. Dan Campbell and Peter Warren of the Arizona Nature Conservancy, revealed an area of approximately 3,000 acres of significant National Park System quality land depicted on the attached map by the "Prime Resource Boundary." The "Prime Resource" is defined as the Saguaro-Palo Verde Uplands habitat.

We believe that undeveloped portions of this nationally significant land should be added to Saguaro National Monument on a willing seller basis.

Three large landowners—Rocking K Ranch, X9 Ranch, and the Arizona State Land Department—control most of the land in question. All three have been contacted and are willing to consider the addition of at least a portion of the subject property to the monument. Smaller landowners within the proposed boundary have also been contacted and several are willing to consider making their properties available for addition to the monument.

Approximately 1,800 acres of the proposed monument expansion are privately owned Rocking K Ranch property, owned by Rocking K Development. These lands encompass an extraordinarily scenic and ecologically and archaeologically significant hidden valley and surrounding hills of the Deer Camp Creek watershed. This valley, immediately adjacent to the present monument boundary, contains an exceptionally rich area of saguaro cactus-palo verde uplands Sonoran Desert habitat. These saguaros comprise a particularly excellent, healthy, and multi-aged stand that is not only one of the finest in the region, but rivals or even exceeds the quality of sands presently featured within the monument. Its health and full range of age categories provide a sharp contrast to saguaros to the north in the monument. There, saguaro mortality has been occurring at an alarming rate; and there is a major age hiatus resulting from past decades of livestock grazing within the monument. As reported in the July-August 1989 National Parks magazine, the monument's saguaro stand in the Rincon Mountain Unit has mysteriously declined by more than 50 percent since the 1930s.

The proposed Rocking K addition to the monument is also prime habitat supporting the desert tortoise, gila monster, javelina, and numerous other species of reptiles, mammals, and birds typical of this ecologically rich Sonoran Desert area.

Important cultural sites are also present within the Rocking K tract and would be a further important asset for the monument.

The owners of the Rocking K Ranch have expressed to us their willingness to support the proposed monument expansion over the area of their land within the Prime Resource Boundary. However, they do still intend to build a resort facility within approximately 100 yards of the monument boundary, just to the west of the Enhanced Monument Boundary proposal; they have expressed to us their unwillingness to consider including this tract within the monument addition proposal. Although inclusion of this tract within Saguaro National Monument is desirable, it appears unobtainable at this time.

Rocking K Development's plans still must obtain approval from Pima County, and our organizations have certain concerns about the impact this development might have upon the monument. Therefore, the present monument expansion proposal is not intended by our groups to imply any endorsement of any development plans for the balance of the Rocking K Ranch property.

Extending in an easterly direction from Rocking K's Deer Camp Valley tract is more of the ecologically important saguaro-palo verde uplands habitat—much of it on the northern two-thirds of the privately owned X9 Ranch. This roughly 1,000-acre area, adjoining the southern boundary of the monument, slopes downward toward the south, to the outstanding and beautiful riparian corridor of large Arizona sycamores and cottonwoods bordering Rincon Creek.

Mr. Pat Egbert, Manager of the X9 Ranch, has participated in our group discussions and has expressed a willingness to support this proposed monument expansion. The owner would prefer not to have only the northern two-thirds of the ranch (the saguaro-palo verde uplands) added to the monument, since that would leave behind an isolated tract of private land which would be largely unmanageable. From the environmental protection point of view, extending the monument on southward to include the rich wildlife habitat of the Rincon Creek riparian corridor presently on the X9 Ranch would be highly desirable.

Acquisition of the X9 property would also provide options for public access into the southern part of the monument which could then resolve problems that have existed since 1967.

State lands with important Prime Resource values (saguaro-palo verde uplands) lie sandwiched between Rocking K and the X9 tracts. Mr. Arlan Colton, of the State Land Department's Tucson area office, indicated at one of our group meetings that his department is open to resolving this issue; that the state would not wish to become a state trust "island" within an expanded monument; and that such state inholdings would not be beneficial to the monument.

Given the special, nationally significant quality of the natural and cultural resources that cover these lands, and given the support of the major property owners, we urge, therefore, that this is an extraordinary opportunity in which to seek Congressional authorization to expand the monument's Rincon Mountain Unit so as to bring these worthy lands under the National Park Service's protective management, in perpetuity, before it is too late.

We would be pleased to work with you and your staffs and with the National Park Service to draft appropriate legislation and to help resolve any questions that you may have about this unusual opportunity to protect and enhance Saguaro National Monument.

With our thanks for your consideration.

Russell D. Butcher, Southwest-and-Calif. Representative, National Parks and Conservation Association; Ken Rait, Tucson area representative, Sierra Club; Jan Nathanson, Pima Trails Association; James W. Norton, Southwest Regional Director, The Wilderness Society; Doug Shakel, Liaison, Buffers Committee (e. Pima County); Luther Propst, Associate, The Conservation Foundation.

CITY OF TUCSON,
OFFICE OF THE MAYOR,
Tucson, AZ, July 16, 1990.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR JOHN: Thank you for asking for the City of Tucson's comments on the proposed expansion of the Rincon Mountain unit of Saguaro National Monument. Our comments are as follows:

The proposal to expand the boundaries of the Rincon Mountain Unit of Saguaro National Monument, as delineated in the May 15 memo from the Boundary Review Working Group, is consistent with City plans and policies promoting open space and resource

preservation. This coalition, comprised of representatives from National Parks and Conservation Association, The Wilderness Society, Sierra Club, The Conservation Foundation, Pima Trails Association and Doug Shakel, has proposed an "Enhanced Monument Boundary" and plans to pursue Congressional authorization to include this new addition.

The City's comprehensive General Plan, adopted in 1979, encourages the preservation of significant natural areas and promotes the establishment of federal managed wildlife preserves. Mayor and Council is currently considering an update to the Recreation Element of the General Plan which will include additional goals and policies promoting the preservation of natural resources and the expansion of the public preserves. Specifically, Open Space Policies under consideration in the Recreation Element which appear to have Mayor and Council support include the following:

II.A.: Encourage cooperation between local governments, state and federal agencies, private organizations and citizens to acquire, manage, conserve and protect natural open space resources.

II.C.: Generate public interest and support for open space preservation by emphasizing environmental, recreational and aesthetic values, including wildlife habitat, water conservation and flood control, visual relief and opportunity for contact with natural elements.

Mayor and Council have also recently demonstrated concern and appreciation for preservation of the resources by their adoption of the Environmental Resource Zone Ordinance on July 2, 1990. The purpose of this ordinance is to protect the remaining riparian areas along selected watercourses at the edges of the City which provide habitat for wildlife and buffer the preserves.

The coalition has drafted a proposal which is based on identification and scientific analysis of the botanical/ecological and archaeological attributes of the land area adjacent to the Monument. Consultation with pertient property owners provided information regarding willingness to support the expansion and bring these resources under the protection of the National Park Service. This appears to be a commendable effort matching a resource inventory with acquisition potential.

Given the City's position of support for open space and natural resource preservation and the apparent soundness of the coalition's methodology, the City's support for the expansion of the Rincon Mountain Unit of Saguaro National Monument would be consistent with adopted plans.

Again, thank you for requesting comments from us. If you have any questions regarding the above information, please feel free to contact our office. Thank you.

Sincerely,

THOMAS J. VOLGY,
Mayor.●

By Mr. HEINZ:

S. 293. A bill to reduce the cost of the savings and loan crisis and to maximize the recovery of funds on behalf of the American taxpayer by providing the RTC and FDIC a priority relating to its claims against officers, directors, and others responsible for losses at insolvent federally insured financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

REDUCTION OF COST OF SAVINGS AND LOAN CRISIS

Mr. HEINZ. Mr. President, the savings and loan crisis continues to burn a multibillion-dollar hole in the American taxpayers' pockets. Very soon, Congress will be asked to provide another $57 billion to the Resolution Trust Corporation to deal with insolvent savings and loans in fiscal year 1991 alone. These funds will more than double the size of the $50 billion mountain of money provided to the RTC just 18 months ago.

The American taxpayers are rightfully asking: "What is being done to get this money back from those who caused this financial catastrophe?" The only honest response is: "Not enough."

Three times in the last 18 months this body has overwhelmingly approved a measure that I sponsored giving the Resolution Trust Corporation and the Federal Deposit Insurance Corporation a priority on behalf of the American taxpayer to recover funds from officers, directors, and others who looted failed savings and loans. Three times the House of Representatives has stiffed the American taxpayer by refusing to adopt a measure designed expressly to reduce the cost of the savings and loan bailout.

Today, I am reintroducing my taxpayer priority bill.

The FDIC and RTC are currently conducting investigations of claims against officers, directors, attorneys, accountants, and others who were responsible for losses at more than 1,300 federally insured institutions and have filed more than 350 such lawsuits for damages in some cases of up to as much as $1 billion.

This legislation puts the RTC's claims to recover funds, on behalf of American taxpayers, at the head of the line in front of claims by shareholders and other creditors.

When the RTC takes over an insolvent S&L, it will sue to recover losses from officers, directors, and others. However, today, shareholders and other creditors can race to the courthouse before the RTC; get a judgment against these crooks and wring their pockets dry. When the RTC shows up, all that is left is an empty bag. Even if the race to the courthouse is a tie, the shareholder's claims will compete with the RTC for the limited amount of money that can be gotten back.

My bill ensures that the taxpayers always win.

Under this bill, when others race into court, the RTC could put these other claims on hold. This would allow the RTC to collect its claims first. Once the RTC recovers its losses, others can divide up what is left.

Some complain, mostly lawyers who represent shareholders, that giving the FDIC a priority is unfair. They claim that shareholders are hurt by bank failures too. They don't want to take a back seat to federally insured depositors. But shareholders are supposed to come last. They get all the profits when a bank is doing well and the taxpayers get nothing. Depositors have always been ahead of shareholders on the totem pole during an insolvency. Allowing shareholders to get their money first allows them to step over the depositors on the way up the totem pole. This is unfair.

This legislation does not rob shareholders of their day in court. It does not take away any rights that shareholders have to sue. It simply tells them that they must wait their turn in line, because the taxpayers come first.

Mr. President, the goal of this bill is simple. When it comes to digging into the pockets of those responsible for the savings and loan crisis, the taxpayers should have the right to reach in first. For far too long the House has paid only lip service to reducing the cost of the savings and loan bailout—while the American taxpayers have paid hard cash. The other body may believe that talk is cheap—but by failing to adopt this legislation the American taxpayer is paying an incredibly stiff price.

I ask that the text of the bill be printed in the RECORD at this point.

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

S. 293

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

SECTION 1. PRIORITY OF CERTAIN CLAIMS.

(a) Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following:

"(s) PRIORITY OF CERTAIN CLAIMS.—(1) Subject to paragraph (2), in any proceeding brought by the Corporation related to any claim acquired under this section or sections 12 or 13 against an insured depository institution's director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to an insured depository institution, any suit, claim or cause of action brought by the Corporation shall have priority over any suit, claim or cause of action asserted against that person by a depositor, creditor, or shareholder of the insured depository institution other than a suit, claim or cause of action asserted by a Federal agency (other than the Corporation) or the United States.

"(2)(A) If the Corporation is notified in writing of the commencement of a suit, claim or cause of action asserted by a depositor, creditor, or shareholder of an insured depository institution in a proceeding described in paragraph (1), a suit, claim or cause of action of the Corporation shall not have priority under paragraph (1) unless—

"(i) not later than 180 days after the date on which the Corporation receives the notice, or if the Corporation acquires its claim after receipt of the notice, not later than 180 days after the date on which the Corporation acquires its claim, the Corporation files with the court a statement that the Corporation intends to pursue potential claims against the insured depository institution's director, officer, employee, agent, attorney, account-

ant, appraiser or other person employed by or providing services to the insured depository institution and is diligently pursuing its claims; and

"(ii) not later than 1 year after the date on which the Corporation receives the notice (or, if the Corporation acquires its claim after receipt of the notice, not later than 1 year after the date on which the Corporation acquires its claim), the Corporation files suit, unless the court enlarges the time for filing suit pursuant to subparagraph (B).

"(B)(i) If the Corporation requests an enlargement of time to file a suit described in subparagraph (A)(ii), the court shall extend the period for the Corporation to commence its proceeding unless the court finds that the prejudice that would result to a person's ability to prove the person's claim that would result from a grant of the requested enlargement of time would outweigh the harm to the Government that would result from a denial of the requested enlargement of time.

"(ii) In making a finding under clause (i), the court shall consider the diligence with which the Corporation is investigating its claim.

"(3) The priority of the Corporation shall apply both the prosecution of any suit, claim or cause of action, and to the execution of any subsequent judgment resulting from such suit, claim or cause of action.

"(4) This subsection shall not be construed to afford the Corporation priority as to an asset that is adjudicated to be unavailable to satisfy any subsequent judgment obtained by the Corporation as a result of its suit, claim or cause of action."

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to suits, claims or causes of action of depositors, creditors or shareholders commenced before the date of enactment of this Act.

By Mr. BUMPERS (for himself, Mr. BOREN, Mr. REID, Mr. BRYAN, Mr. CRANSTON, Mr. DASCHLE, Mr. CONRAD, and Mr. DIXON):

S. 294. A bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process; to the Committee on Rules and Administration.

USE OF INDEPENDENT EXPENDITURES IN FEDERAL ELECTION CAMPAIGNS

Mr. BUMPERS. Mr. President, I am pleased to be joined by my colleagues Senators BOREN, REID, BRYAN, CRANSTON, DASCHLE, CONRAD, and DIXON today in introducing legislation which will curtail the use of independent expenditures in Federal election campaigns and help to counter the efforts of those who seek to circumvent the spirit of the Federal Election Campaign Act. According to records at the Federal Election Commission, so-called independent expenditures in congressional races during the 1990 election cycle exceeded $4 million. During the 1988 election cycle, independent expenditures in congressional races totaled $7 million. In the 1988 Presidential race independent expenditures totaled more than $14 million.

Too often, so-called independent expenditures are not very independent at all. There is no limit to the amount of money that can be poured into a campaign as an independent expenditure; I am deeply concerned about the pernicious influence of these expenditures on the democratic process.

Let me put this legislation in context. Under current law, expenditures made expressly to advocate the election or defeat of a clearly identified candidate, which are made without prior consultation or cooperation with any candidate, are independent expenditures. In the landmark case of Buckley versus Valeo, the Supreme Court held that independent expenditures are a form of constitutionally protected free speech, and therefore are not subject to any dollar limits. But the Court reserved this protection only for expenditures made totally independently of a candidate and his campaign. Only such totally independent expenditures are protected because, the Court held, the totality of their independence "alleviat[es] the danger that they will be given as a quid pro quo for improper commitments from the candidate." *Buckley* 424 U.S. 1, 47 (1976).

In the Federal Election Campaign Act of 1976 [FECA], we sought to codify the rule of Buckley. In the absence of total independence, an expenditure made in support of a candidate constitutes a contribution limited to the amounts specified in section 315 of FECA—2 U.S.C. 441(a). The independent nature of such expenditures will be destroyed by any contact or coordination with the candidate or campaign, and will subject them to the limits and reporting requirements of ordinary campaign contributions.

That is the law. Yet in many recent campaigns, most notably during the 1988 elections, this standard of independence has been blatantly abused and circumvented by political committees which ostensibly are organized as separate, segregated funds of special interest groups with active and aggressive lobbying programs. It is natural that, in such situation, members of an interest group or an affiliated lobbying organization develop a close working relationship with Members of Congress and their staff. It is likely, if not inevitable, that in the course of their meetings some discussion of the Member's campaign in coming elections will occur. Yet, now, these interest groups may make independent expenditures on behalf of the very same Members they have spent so much time lobbying and who have supported, or might support, the agendas of those interest groups.

Imagine this scenario: During the final days of a neck-and-neck Senate race, a well-financed political committee spends hundreds of thousands of dollars on media spots in opposition to a candidate who has taken positions they oppose. The other candidate, by no coincidence, has taken positions supported by the political committee. Millions of voters see the ads attacking the first candidate and he can't exceed his own spending limits to respond and doesn't have the time to do so in any case. He loses the race by a few thousand votes, the victim of so-called independent expenditures by the political committee. The political committee is left with a newly elected Member who favors its agenda. The new Member owes his election to the committee.

It's a plausible scenario, and it raises some questions. Should this massive last-minute spending be allowed? In fairness, should it be allowed on any scale, at any time during the campaign? Are these expenditures the type of spending envisioned by the Supreme Court in Buckley? Are they in keeping with the spirit of the Federal Election and Campaign Act? The answer to these questions is clearly no.

The Supreme Court acknowledged this problem in the recent case of Austin versus Michigan State Chamber of Commerce. In Austin, the Court upheld Michigan law which forbids corporations to use general treasury funds for independent expenditures on behalf of candidates in State elections. By a vote of 6 to 3, the Court held that there was a compelling State interest in "preventing corruption or the appearance of corruption in the political arena by reducing the threat that huge corporate treasuries—which are amassed with the aid of favorable State laws and have little or no correlation to the public's support for the corporation's political ideas—will be used to influence unfairly election outcomes."

While the decision in Austin applies only to corporations themselves rather than to corporate PAC's, Austin reflects a refinement of the basic idea set forth in Buckley. In the same way, the bill I offer here represents a refinement and a clarification of the existing definition of "independent expenditures" set forth in FECA. This bill will not eliminate legitimate independent expenditures. It will simply provide for a definition of independent expenditures that may be more easily understood and more honestly applied.

We see a growing need and a growing demand for campaign finance reform legislation. If we intend to reach that goal, I urge my colleagues to support this simple and effective measure as an integral part of any serious attempt at achieving real reform. The people we represent and the Supreme Court and we all have enough sense to know what a truly independent expenditure is. This bill will make that simple and fair idea into law.

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. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding before the period at the end thereof, the following: "Provided, That such term does not include any expenditure made by a separate segregated fund or any other political committee if such fund or committee is established, administered, controlled or financially supported directly or indirectly by a connected organization which is required to register, or pays for the services of a person who is required to register, under the Federal Regulation of Lobbying Act (2 U.S.C. 267), for the purpose of influencing legislation on behalf of the connected organization. Any such expenditure made under the preceding sentence shall be a contribution subject to the limitations of section 315 of this Act."

By Mr. HEFLIN:

S. 297. A bill requiring that the U.S. Postal Service study and report to Congress on ways to encourage mailers of second-class and third-class mail matters to use recycled paper; to the Committee on Governmental Affairs.

USE OF RECYCLED PAPERS IN CERTAIN MAILINGS

• Mr. HEFLIN. Mr. President, over the past couple of years, direct mail marketing activities have been increasing. Despite the fact that a slight majority of all Americans have made at least one purchase as a result of direct mail marketing tactics, the vast majority of this mail ends up in the trash can and, consequently, in our landfills. In fact, it is estimated that the paper generated by the direct mail bombardment accounts for 3 percent of the waste stored in our Nation's landfills. Given these statistics, it is little wonder that we have come to refer to this onslaught of paper as junk mail.

After months of receiving letters from Alabamians complaining about the increased volume of unsolicited promotional material they received in their mailboxes, I was surprised to see Time magazine's cover story on November 26, 1990, pronouncing that while "Some call it direct mail and others know it as junk, Americans love the paperflood washing over them as much as they say they hate it." Actually, I am somewhat skeptical of this assertion, particularly in light of the fact that the only concrete evidence used to support this theory is a U.S. Postal Service survey which was conducted 2 years ago. In any event, the article clearly makes the point that many consumers benefit from, or at least do not object to, direct mail marketing. The elderly, particularly the homebound, for example, often rely on mail-order shopping. Also, many nonprofit organizations have been able to raise substantial amounts of money through such strategies. Additionally, a wide variety of advocacy groups have used direct mail to inform and mobilize their constituents on important public policy issues.

Obviously, there are no clear facts to indicate that the American public wholeheartedly supports or opposes the increased volume of promotional mail which they are receiving. However, the facts do clearly indicate that this flood of paper exacerbates the current solid waste crisis in our country.

Without attempting effect the amount of direct mail currently being circulated but in an effort to reduce the environmental consequences of increased direct mail activity, one of my colleagues in the House of Representatives, Congressman LAGOMARSINO, recently introduced a bill to require the Postal Service to study and report to Congress on ways to encourage mailers of second-class and third-class mail matter to use recycled paper. I heartily endorse the goals of this legislation and it is my privilege to introduce today a companion measure here in the Senate.

I am sure that my colleagues see in their States, as I see in Alabama, a growing concern about environmental issues among their constituents. I therefore urge them to lend their support to this legislation and to take this small, but necessary, step down the road to becoming a less wasteful and more responsible society.•

By Mr. DODD:

S. 299. A bill to authorize certain activities for bank holding companies, to authorize additional powers for safe bank holding companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself and Mr. SANFORD):

S. 300. A bill to permit interstate banking; to the Committee on Banking, Housing, and Urban Affairs.

INTERSTATE BANKING AND BRANCHING

• Mr. DODD. Mr. President, the last 15 years have seen dramatic changes in the banking industry, caused by a combination of rapid technological changes, incursions into banking by other financial services providers, mistaken Federal and State legislative and regulatory decisions, and adverse economic conditions. These developments have resulted in the staggering S&L fiasco and a seriously weakened banking industry. As the last decade came to an end, there was broad agreement on the need to address these problems legislatively.

Recently, the national recession, and the more severe recessions in several areas including my own New England region, reinforce the importance of moving quickly to adopt legislation to reform and strengthen our deposit insurance system and to modernize the laws governing all financial services.

Today I am introducing two bills designated to be part of that solution. The first, the Financial Modernization and Safe Bank Act, would establish a structure for financial restructuring that would promote synergies between banks and other financial services providers, while at the same time prohibiting the use of Federal deposit insurance to support risky activities.

The second, a bill to permit full interstate banking and branching, is designed to provide for the more efficient delivery of banking services domestically and to create stronger domestic banks to compete in the international arena. The enactment of this legislation also would permit swifter movement of funds to creditworthy borrowers in areas suffering from a credit crunch.

Let me start by briefly outlining some of the key developments that make adoption of financial services modernization legislation essential:

The high inflation of the 1970's gave rise to the explosion of money market mutual funds and the elimination of deposit interest rate ceilings. In the short run, these changes were beneficial to consumers, who could earn higher returns on their deposits, but it also meant higher costs for banks. For S&L's, it meant that their long-term mortgages were badly mismatched against more expensive short-term deposits.

The growth of the commercial paper market cost the banks some of their best and most lucrative loans, and the securitization of all kinds of different loans reduced the banks' profit margins on many of their other loans.

New technology has been a powerful force for change, as the cost of informational businesses such as banking, insurance, and securities has become so inexpensive that they are increasingly attracted to each other's businesses.

Loophole lawyers and creative regulators have furthered the process of blurring the lines between banks and their competitors. The nonbank bank, the South Dakota loophole, the comptroller's small town loophole, and the Fed's section 20 affiliates are just some of the devices through which nonbanking institutions have flooded into the banking business and the banks have marched into the insurance and securities businesses.

The disparities in rules among States and nations have blurred or sometimes obliterated the lines between commercial banking and investment banking.

As a result of these events, the banking franchise, substantially based on cheap deposits and a captive market in some lucrative areas of lending, has been dramatically devalued. That has led banks to take greater risks than before in order to seek to maintain their profit margins. Unfortunately, the banks have guessed wrong time after time, concentrating their assets too greatly in areas of lending that went bust—from loans to lesser developed countries, to agriculture and energy loans, and, most recently, to commercial real estate loans. As loans in

each of those areas turned sour, the banks were forced to write off large losses.

Thus, when the recession finally took hold, U.S. banks were in a weakened condition, lacking the capital necessary even to continue lending to their longtime good credit risks. The result—in New England and other regions—has been a credit crunch. The effect of the crunch is both on creditworthy borrowers and on the banks themselves. Because good borrowers cannot get credit, the economic downturn is prolonged. In turn, a weaker economy makes it more difficult for borrowers to pay off their loans.

The economic conditions and forecasts for Connecticut are distressing. Unemployment has risen from 2.8 percent in mid-1988 to 5.2 percent and is forecast to reach 7.5 percent by this summer. Real personal income fell 1.1 percent through the first 11 months of 1990, the first decline in 15 years.

Normally, other financial services providers would step into fill the vacuum. However, for a variety of reasons, they, too, find themselves short of capital.

Mr. President, these events provide the backdrop to Banking Committee action this year. There is unanimous agreement that we must do something to reform our deposit insurance reform system. Very much to his credit, Chairman RIEGLE put a serious, comprehensive proposal on the table late last year, S. 3103, which I was proud to cosponsor. The White House will make its recommendations for reform shortly, and clearly we must act in this area this year.

However, I believe if we stop there we may be leaving ourselves open for the next deposit insurance debacle. I am not denigrating these proposals. But I am saying—and this echoes the sentiments of Treasury Secretary Nicholas Brady—that no deposit insurance reform will be viable in the long run unless the insured institutions are strong and competitive.

That is why I believe now is the time to develop a modern system that will insure that banks, as well as other financial service providers, will be able to compete—both domestically and internationally—in the 21st century. It is important for our financial services industry, but it is far more important for everyone in this country who needs credit—for personal reasons and for business reasons.

How should this modernization be carried out, particularly in light of the S&L debacle? I think the answer lies in two parts: First, a melding of financial services that permits the maximum amount of competition and synergies among the different services, but without the backing of Federal deposit insurance for risky activities; and second, full interstate banking and branching to enable banks to diversify both their source of deposits and their lending.

Some contend that now is not the time to take action that would let banks into new areas. However, I believe it is far riskier to do nothing and let the banking system weaken to the point where it cannot provide credit to fuel our economy and will assuredly require a bailout of the bank insurance fund.

The first bill, the Financial Modernization and Safe Bank Act, builds on legislation approved by the Senate in 1988, the Proxmire Financial Modernization Act. It would grant banks certain new phased-in securities powers, while at the same time requiring banks to conduct these new activities out of separate subsidiaries with so-called firewalls among the different subsidiaries to prevent abuses. The securities subsidiaries would be registered broker-dealers and subject to the full panoply of SEC regulation.

At the same time, I think banks and other financial service providers would benefit from a further integration of their products. The key question is how to achieve such a result without creating greater risks for the deposit insurance system.

One answer I find very attractive is the so-called safe bank proposal, and I have incorporated it as title III of my bill. Thus, while all banks would be permitted to exercise the securities powers I described, any further bank activities would have to be carried out through a safe bank structure. The safe bank portion of my bill, modeled on the work of Robert Litan of the Brookings Institution and Professors Jack Guttentag and Richard Herring of the University of Pennsylvania's Wharton School, works from the premise that we can never have enough cops on the beat, enough regulators to enforce rules about fair dealing between banks and nonbank subsidiaries. Similarly, it questions whether such rules would prevent a bank from helping out a troubled affiliate in a time of crisis. To avoid these problems, this portion of my bill says that if a bank wants to get into any business beyond those permissible today under the Bank Holding Company Act, or those securities activities authorized by this bill, the bank must agree to become a safe bank.

A safe bank is one that invests its deposits in high liquid and highly marketable instruments, such as obligations of the U.S. Government and obligations guaranteed by the U.S. Government. Thus, depositors' money would be very safe—and so would the Federal deposit insurance fund.

Once a bank had agreed to become a safe bank, then it would be free to establish separate subsidiaries to engage in any other business it wished. These subsidiaries would be separately capitalized, with no funds coming from the bank. Further, the bank would not accept deposits from any of its nonbank affiliates nor would it extend credit to any of its nonbank affiliates.

The major advantages to the bank holding company would lie in its ability to diversify its portfolio and to cross-market bank products with the other subsidiaries' products.

The advantages to the Government and the public also would be considerable. Inasmuch as this approach involves a true two-way street—one which would not only permit safe banks into other businesses but would also permit nonbanking businesses to enter the banking business if they agreed to convert the bank to a safe bank—it would permit the maximum amount of competition. It also would permit modernization of our financial services laws with the closest possible thing to a failsafe device to protect against abuses that could bankrupt the deposit insurance fund.

Mr. President, I appreciate that others believe that the safe bank approach is too narrow. I believe it is a fundamentally sound approach, but I also believe there are other configurations that might well achieve the goals we all seek. One such approach has been put forward by Lowell Bryan, who advocates a core-bank concept. As with the safe bank, new activities would be carried out by separately capitalized subsidiaries, as would some of the banks' riskier lending activities, such as real estate lending. However, he would permit the banks to continue to conduct some traditional lending activities out of the bank, such as small business and consumer lending, activities that have not been a source of problems for banks.

While we can—and will—continue to debate where to draw the line between activities carried on in the bank and those carried on outside it, and what the relationship should be between the bank and the other subsidiaries, we must do everything we can to assure new competitive opportunities for our banks if we wish to assure their long-term viability—and, in turn, assure the maximum protection for the deposit insurance funds.

There is another reform that I believe meets this goal. That is the facilitation of full interstate banking and branching. To that end, I am reintroducing legislation similar to S. 2922, which I introduced in the 101st Congress. It is designed to provide for the more efficient delivery of banking services domestically and to create stronger domestic banks to compete in the international arena. In addition, as has been driven home very clearly by the credit crunch of New England, full interstate banking will permit swifter movement of funds to creditworthy borrowers in areas that are starving for credit.

The legislation builds on the regional interstate banking compacts that developed in the early 1980's and were adjudged to be constitutional by the Supreme Court in 1985. Today, 47 States have some form of interstate banking and more and more States are opting for full interstate banking, including my own State of Connecticut.

The bill's main provisions are simple and straightforward:

It authorizes the Federal Reserve to approve applications by bank holding companies to acquire banks across State lines. In effect, this provision repeals the so-called Douglas amendment.

However, the bill delays de novo entry by out-of-State banks until July 1, 1993. This provision will give States a little more time to prepare for new entrants without delaying full interstate banking for a prolonged period.

Finally, it permits interstate branching as of July 1, 1994, unless a State enacts a law prohibiting such branching between January 1, 1990, and June 30, 1994. This provision will permit States to exercise greater supervisory control over banks in their States if they so choose.

Full interstate banking and branching should have positive effects on both sides of the banks' balance sheets. Banks that need to raise deposits will not be restricted in where they can secure their funds and banks will be able to diversify their assets by lending outside their State or region of location. Such opportunities, I believe, would have helped avoid the disasters of overconcentration of lending in agriculture in the Midwest and energy in the Southwest, as well as the overlending in commercial real estate in New England. In banking, as in most business endeavors, a well diversified portfolio will most times be a safer portfolio.

While Congressman SCHUMER, who introduced identical legislation in the House, and I have received support for this bill from many banks and bank analysts, from the administration and from States that have seen the damage that can be done to their local economies when there is insufficient credit available, there are others who have expressed reservations about it.

I understand the concerns about the concentration of economic power and the fear that capital will be drained out of an area. These are questions that need to be fully explored during the hearings. Previous banking bills have used different devices to prevent any such undue concentration and we may wish to consider applying similar devices here.

As for the ability of large banks to drive small competitors out of business, I think the evidence suggests to the contrary. In Connecticut, some 20 percent of all the banks in the State were started after adoption of the legislation authorizing regional banking compacts. Moreover, the history of banking is replete with examples of small banks that have outcompeted large banks by knowing their customers better and meeting their needs. This is a history that we find in other industries as well.

I also understand the State regulators' concerns about State regulation and taxation. I believe these, too, are issues that warrant serious consideration. I look forward to working with both the State regulators and small bankers to fine tune the legislation to devise an interstate banking and branching bill that takes into consideration their legitimate concerns.

Finally, Mr. President, while I believe that the two bills I am introducing today, coupled with Federal deposit insurance reform along the lines of the legislation I cosponsored in the last Congress, will strengthen both the deposit insurance system and financial services providers, I think it is important also to devise short-term solutions to meet the credit crunch.

There are regions of the country, including New England, that need help now if they are to be in a position to be strong participants in the new world of financial services. In order to assure their presence, I urge the administration to use existing authorities to infuse capital into banks that time will heal if they can get a little help now. The capital, if properly used, can be the basis for loans to creditworthy businesses. The effect will be to generate economic activity that will strengthen the banking system, the region, and the U.S. economy as a whole.

Obviously, any such system must make careful choices as to which banks to help, and there must be restrictions on the use of the capital. To qualify, an institution should be required to demonstrate that it has adequate liquidity, that it has a reasonable probability of returning to profitability, that it possesses the management capability to do the job, and that it has the ability to attract private capital within a reasonable period of time.

Among the restrictions that would seem appropriate would be limitations on the interest rates the banks can offer to attract depositors, limits on dividends, restrictions on management remuneration, and some dilution of the shareholder's equity, as well as restrictions on asset growth and quality.

While it is encouraging to see the efforts by the Association of Bank Holding Companies to devise a program for injection of private bank capital into troubled banks, I believe the Connecticut and New England economies are in such difficulty that we need a short-term solution to bridge the time between the present and the implementation of any such system. Therefore, I urge the administration to examine all of its existing authorities and devise a program to strengthen both banks and the deposit insurance fund.

In sum, Mr. President, our banking system in general, and the New England economy in specific, are in trouble and it is time for us to take bold action. I urge the Congress and the administration to act expeditiously and wisely to put our financial services providers on a strong footing to meet today's credit needs and those of the 21st century.●

By Mr. LEVIN (for himself, Mr. SPECTER, and Mr. BYRD):

S. 301. A bill to amend the Trade Act of 1974 to strengthen and expand the authority of the U.S. Trade Representative to identify liberalized priorities, and for other purposes; to the Committee on Finance.

FAIR TRADE AND EXPORT EXPANSION ACT

● Mr. LEVIN. Mr. President, I rise to reintroduce, along with Senators SPECTER and BYRD, the Fair Trade and Export Expansion Act to extend and strengthen the Super 301 trade law that expired last year. This legislation is similar to the legislation my distinguished colleagues and I introduced last year. It is intended to force the administration to defend American jobs, families, and communities.

This year a companion bill is also being introduced in the House of Representatives.

Foreign trade barriers cost thousands of American jobs each year, billions of dollars in exports, and contribute to our more than $100 billion trade deficit. Yet, this administration like the ones before it has not aggressively attacked the foreign trade barriers which cost us these jobs. It has not demanded that other countries open their markets to American products to the same extent that our market is open to their products.

I believe we ought to stand up and defend our jobs here in this country with the same determination that we defend liberty around the world. The current crisis in the Middle East has demonstrated the Bush administration's ability to aggressively pursue American interests and willingness to risk retaliation. If the administration pursued foreign trade barriers with similar determination, more markets would be open to American products and jobs could be saved.

The legislation we introduce today is aimed at moving the administration toward a more aggressive trade policy and ensuring that removal of the most costly foreign trade barriers is a top priority for this country.

Last year the Bush administration had an opportunity and obligation under the Super 301 provisions of the 1988 trade bill to target priority foreign trade barriers. Despite a long record of unfair trade practices and a $49 billion bilateral trade deficit, the administration removed Japan from its priority

list. By removing Japan and only naming India under the Super 301 law, the administration made a mockery of both the law and its promises to pry open protected markets.

The administration ignored what history has clearly taught us: It takes the threat of sure retaliation to achieve results and pry open markets.

I said last year when the administration announced its decision not to target a single one of Japan's unfair trade practices that I thought it sent absolutely the wrong message. Regrettably, that now appears to be true.

The U.S. Trade Representative [USTR] based her decision not to name Japan on the belief that the Uruguay round of GATT negotiations and the structural impediments initiative [SII] presented more effective means for opening foreign markets and increasing United States exports. However, last month the GATT talks collapsed and recent press reports suggest the Japanese have failed to implement key SII commitments. While the verdict is still out on both initiatives, it's not likely that either will match the Bush administration's goals or rhetoric, and neither was ever a substitute for Super 301 action.

In contrast, the Super 301 law which authorized strong action to eliminate unfair trading practices seems to have achieved some success in opening markets in the few instances it was used. The threat of retaliation, and the threat of being targeted under the Super 301 law, opened markets and removed barriers that years of pleading could not budge. Later this spring we'll be able to measure better the law's success when the administration reports on the extent to which exports increased as a result of the agreements reached under the Super 301 law.

Recently the USTR took a step that indicates she understands that our trading partners will not open their markets to American products unless they know we are serious about treating them no better than they treat us. To defend American beef and pork producers and to apply pressure to restart the GATT talks, the USTR accepted a U.S. industry petition to negotiate, under the threat of retaliation, the removal of an European Community [EC] ban on U.S. beef and pork imports.

I commend the USTR for accepting this section 301 petition, but it's too little, too late. While the EC's ban on beef and pork imports is expected to cost American producers $100 million a year, Japanese barriers to auto parts and rice imports, for instance, cost American manufacturers and farmers billions every year.

We ought to address the barriers that are costing us the most in exports and jobs. Those barriers should be our priority. That was clearly Congress' intention when it passed the Super 301 legislation requiring the administration to target priority foreign trade barriers.

The Fair Trade and Export Expansion Act forces the administration to fulfill the original intent of the Super 301 law. It mandates that we set priorities, and moves us from rhetoric to action. It requires the administration to continue to make annual Super 301 designations through 1995, but also adds some new guidelines for selecting which countries and barriers to target.

To help the administration define its liberalization priorities, this legislation requires the USTR to estimate the cost of the trade barriers listed in its annual report on foreign trade barriers. It then requires Super 301 action against the worst offenders, those countries who discriminate against American products and have a bilateral trade deficit which is 15 percent or more of the total U.S. trade deficit. And it will require Super 301 action on those unfair trade practices associated with a sectoral deficit equal to or exceeding 5 percent of the bilateral trade deficit.

These new provisions will ensure that the administration does not again target a country like India with whom we had an $851 million deficit without also targeting a country such as Japan with whom we had a $49 billion deficit.

Currently, Japanese barriers to auto parts exports would qualify for mandatory identification and negotiations under this legislation. Japanese practices have limited American auto parts makers to 1 percent of the $60 billion auto parts market, and as a result we had a $10.5 billion auto parts trade deficit with Japan in 1989.

The USTR's own 1990 Report on Foreign Trade Barriers stated that Japanese auto and auto parts companies "are so tightly interlinked through long-standing business relationships that selling to the [auto companies] is as difficult as if the interlinked companies were one." The 301 law was written so that it could be used to attack exactly these type of business practices, yet the administration declined to use it.

In addition to facing discrimination abroad, the American auto parts industry is now facing a recession and discrimination at home. The GAO recently estimated that 11,000 American jobs were lost in 1989 because Big Three vehicle production was replaced by Japanese transplant production. This costs auto parts jobs because the Japanese transplants import about half of their parts and purchase much of the rest from Japanese-owned auto parts companies operating in the United States who may be subsidizing their United States parts with profits made in their protected home market.

Other countries and practices could also be cited by the USTR, but the worst offenders and the worst practices, the ones that meet the criteria I have indicated, would have to be cited as trade liberalization priorities.

If subsequent negotiations were to fail to eliminate the cited discriminatory trade practices, this legislation requires that equivalent restrictions be placed on the offending countries' products. Under the expired Super 301 law, the USTR had total discretion to decide whether and how to retaliate, unless the unfair practice was in violation of a trade agreement in which case equivalent restrictions were mandatory.

By requiring that equivalent restrictions be applied if negotiations fail, this legislation will help put an end to the pleading and the rhetoric and the empty promises, and make clear that if countries persist in discriminating against our products we will place equal restrictions on their products.

A waiver of the sanctions provisions would still be available to the President under certain circumstances.

This bill also provides an expedited procedure. Within 15 days after the USTR identifies Super 301 priorities, a Member of Congress could initiate an expedited procedure to list additional trade liberalization priorities. Under this procedure, Congress, by a vote of three-fifths of the Congress, could require Super 301 action on unfair practices which did not qualify for mandatory Super 301 treatment but merit citing.

The intent of this legislation is to force the administration to attack foreign trade barriers and defend American jobs with the same determination it has attacked aggression in the Middle East. Preserving American jobs should always be a priority, but during a recession it's particularly crucial. I urge my colleagues' support for this legislation.

I ask unanimous consent that the text of the bill be included in the RECORD following my remarks.

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

S. 301

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 "Fair Trade and Export Expansion Act of 1991".

SEC. 2. IDENTIFICATION OF PRIORITIES EXTENDED TO 1995.

Section 310(a) of the Trade Act of 1974 (19 U.S.C. 2420(a)) is amended by striking "calendar year 1990" and inserting "calendar years 1991 through 1995".

SEC. 3. MANDATORY IDENTIFICATION OF PRIORITY PRACTICES AND PRIORITY FOREIGN COUNTRIES.

Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended by adding at the end the following new subsections:

"(e) MANDATORY IDENTIFICATION OF PRIORITY FOREIGN COUNTRY AND PRACTICE.—

"(1) PRIORITY FOREIGN COUNTRY.—For purposes of this section, a country shall be identified as a priority foreign country under

subsection (a)(1)(B) and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to the priority practices of such priority foreign country, if—

"(A) the amount of the trade deficit between the United States and such country for the calendar year for which a report under section 181 is submitted exceeds 15 percent of the amount of the total trade deficit of the United States for such calendar year,

"(B) the practices of such country have been identified under subsection (a)(1)(A) or under section 181(a)(1), and

"(C) such country has not entered into a free trade agreement with the United States.

"(2) MANDATORY IDENTIFICATION OF PRIORITY PRACTICE.—For purposes of this section, a practice shall be identified as a priority practice, and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to such practice if—

"(A) such practice is identified under section 181(a)(1), and

"(B) such practice is associated with a sectoral deficit (as listed in the National Trade Estimates) of 5 percent or more of the balance of trade between the United States and the foreign country conducting such practice for the calendar year for which a report under section 181 is submitted.

"(f) MANDATORY IDENTIFICATION BY JOINT RESOLUTION OF CONGRESS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a practice shall be identified as a priority practice and a foreign country shall be identified as a priority foreign country under this section, and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to such practice or country if a joint resolution described in paragraph (2) is enacted into law.

"(2) JOINT RESOLUTION DESCRIBED.—A resolution is described in this paragraph if it is a joint resolution—

"(A) which is introduced in either the Senate or the House of Representatives not later than 15 days after the date the Trade Representative identifies United States trade liberalization priorities under subsection (a)(1),

"(B) which is approved by three-fifths of the duly elected and sworn Members of each of the two Houses of Congress, and

"(C) the matter after the resolving clause of which contains the name of the country identified as a priority country or the practices identified as priority practices, and a finding that elimination of such priority practices is likely to have significant potential to increase United States exports, either directly or through establishment of a beneficial precedent.

"(3) HOUSE PROCEDURES.—(A) The provisions of this paragraph apply to the consideration in the House of Representatives of a joint resolution described in paragraph (2).

"(B) The joint resolution shall, upon introduction, be referred to the Committee on Ways and Means of the House of Representatives.

"(C) If the Committee on Ways and Means has not reported the joint resolution by the end of 30 legislative days after such joint resolution was introduced, the Committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar of the House.

"(D)(i) At any time after the joint resolution placed on the appropriate calendar has been on such calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of such joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the joint resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

"(ii) Debate on the joint resolution shall not exceed 10 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

"(iii) An amendment to the joint resolution is not in order.

"(iv) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

"(E) As used in this paragraph, the term 'legislative day' means a day on which the House is in session.

"(4) SENATE PROCEDURES.—(A) The provisions of this paragraph apply to the consideration in the Senate of a joint resolution described in paragraph (2).

"(B) A joint resolution shall, upon introduction, be referred to the Committee on Finance of the Senate.

"(C) If the Committee on Finance has not reported such joint resolution at the end of 30 legislative days after its introduction, the Committee shall be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the calendar.

"(D)(i) Notwithstanding any rule or precedent of the Senate, including Rule XXII, when the Committee to which a joint resolution is referred has reported, or has been discharged under subparagraph (C) from further consideration of a joint resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member (after consultation with the majority leader as to the most appropriate time for the consideration of such joint resolution) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(ii) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

"(E) As used in this paragraph, the term 'legislative day' means a day on which the Senate is in session.

"(5) SPECIAL RULE.—In the case of a resolution described in paragraph (2), if, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution with respect to the same matters, originated in that House, then the following procedures shall apply:

"(A) The joint resolution of the other House shall not be referred to a committee.

"(B) With respect to a joint resolution described in paragraph (2) of the House receiving the resolution—

"(i) the procedures in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

"(C) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

"(6) RULEMAKING POWER.—This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.".

SEC. 4. MANDATORY ACTION.

(a) IN GENERAL.—Section 301(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (A),

(2) by inserting "or" at the end of subparagraph (B)(ii), and

(3) by inserting immediately after subparagraph (B)(ii), the following new subparagraph:

"(C) a priority practice

"(i) identified under section 310, or

"(ii) with respect to a priority foreign country identified under section 310,

constitutes an act, policy, or practice of a foreign country which is unreasonable or discriminatory and burdens or restricts United States commerce;".

(b) CONFORMING AMENDMENT.—Section 304(a)(1)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)(A)(ii)) is amended by strik-

ing "(a)(1)(B)" and inserting "(a)(1)(B), (a)(1)(C),".

SEC. 5. ESTIMATION OF BARRIERS TO MARKET ACCESS.

Section 181(a)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2241(a)(1)(C)) is amended—

(1) by striking ", if feasible,", and

(2) by adding at the end thereof the following new sentence: "If it is not feasible to make an estimate under this subparagraph, the United States Trade Representative shall provide an explanation of why such estimate is not feasible.".●

By Mr. D'AMATO:

S. 303. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

RELIEF OF MELISSA JOHNSON

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation for the private relief of Melissa Johnson. On June 3, 1982, Melissa, who was then 6-years-old, was molested and sexually abused by a U.S. Postal Service employee by the name of Luis Ojeda. Mr. Ojeda was arrested and charged with rape, sexual abuse, and endangering the welfare of a child. He entered a plea of guilty to the charge of sexual abuse and was sentenced to a term in prison.

Melissa Johnson, however, was left high and dry. The Federal Tort Claims Act specifically excludes claims based on assault and battery committed by a Federal employee. Melissa thus had no means of recourse.

Legislation to compensate Melissa was introduced and subsequently passed the House of Representatives in both the 100th and 101st Congresses. In addition, I introduced similar legislation, S. 2295, in the 101st Congress. Unfortunately, no final action was taken on any of these bills.

This matter has been studied at length in the House, and is clearly a compelling and deserving case. I feel that the passage of this bill will in some way help comfort Melissa for the tragedy she endured. Therefore, I urge my colleagues to join in swift passage of this bill.

I ask unanimous consent to have printed in the RECORD following my remarks the text of this bill.

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

S. 303

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

SECTION 1. PAYMENT FOR THE BENEFIT OF CLAIMANT.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $125,000 to Melissa Johnson of Barryville, New York. Such sum shall be in full and complete settlement of all claims against the United States arising out of the personal injuries and mental pain and suffering incurred as a result of the sexual assault and molestation of Melissa Johnson by an employee of the United States Postal Service on June 3, 1982, and various other dates.

SEC. 2. DEPOSIT OF AMOUNT IN TRUST ACCOUNTS.

Barbara Johnson Lizzi of Barryville, New York, the mother of Melissa Johnson, shall deposit the sum paid under section 1 in a federally insured depository institution in an interest bearing account or accounts in trust for Melissa Johnson. Barbara Johnson Lizzi shall serve as sole trustee of such account or accounts and, as such trustee—

(1) shall pay those debts and obligations which are outstanding at the time the sum is paid under section 1 to the extent those debts and obligations arise from the injuries and pain and suffering described in section 1;

(2) shall, until Melissa Johnson reaches the age of majority under the laws of the State in which Melissa Johnson is residing at the time, pay, from the amounts in the trust account or accounts, expenses incurred for Melissa Johnson's medical care and education; and

(3) shall, when Melissa Johnson reaches the age of majority under the laws of the State in which Melissa Johnson is residing at the time, pay to Melissa Johnson all amounts remaining in the trust account or accounts.

SEC. 3. LIMITATIONS ON ATTORNEYS' FEES.

Not more than 10 percent of the amount appropriated by section 1 may be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim described in section 1, notwithstanding any contract which provides otherwise. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.●

By Mr. HATCH:

S. 304. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve protections against eviction and distress; to the Committee on Veterans' Affairs.

IMPROVEMENTS OF RELIEF AGAINST EVICTION AND DISTRESS

Mr. HATCH. Mr. President, I send a bill to the desk and ask for its appropriate referral.

This bill amends the Soldiers' and Sailors' Civil Relief Act of 1940 by strengthening the existing protections afforded by the act against eviction and related distress of persons activated into military service and their families.

My amendment improves these protections in two ways: First, it prevents such persons from being evicted, regardless of the level of rent they agreed to pay, for at least 12 months. Second, while I do not interfere with the right of landlords to seek an appropriate court judgment allowing either eviction or other remedies under leasing contracts, my amendment would stay such an order for at least 12 months. Obviously, there are some persons, who regardless of the status of the military member or, in the case of high-earning spouses who are not activated, could afford to pay a rent agreed upon prior to activation. I do not want to tamper with the opportunity of the courts to decide equity in such cases.

MANY SHARING THE BURDEN OF THE GULF INTERVENTION

In mid-February, I organized meetings with the families of Utah reservists who had been activated for duty in the Persian Gulf. Let me say at the outset that these are dedicated men and women with families no less aware of the importance of the purpose of our presence there. I am extremely proud of every one of them.

Utah has been especially hard hit during this activation, with 14 percent of our reservists in the gulf and the largest number of medical reservists on active duty, including a 1,000-bed general hospital, a 400-bed evacuation hospital, ambulatory, and other medical service units. Our veterans' hospitals, rural clinics, and other medical services have adopted emergency staffing procedures that compel virtually everyone, including some infirm and seriously ill persons, to share the burden of our Persian Gulf intervention.

I know that many of my colleagues find themselves in somewhat similiar circumstances and admire the commitment of the Nation to the necessary and just action that we must take in the gulf to assure a more peaceful world order. I really believe that we are approaching the day when petty tyrants, like Saddam Hussein, will find that force cannot be used to settle international differences.

FAMILIES COULD SUFFER UNDULY

My greatest concern lies with our military persons whose lives are on the line in the gulf. Utah, incidentally, has already had casualties. Cpl. Ron Logan of Sunset, UT, broke his back when his maneuver vehicle overturned near the Kuwait border. From his hospital bed at the Army Medical Center in Landstuhl, Germany, Ron said that he was proud of his role in the 1st Cavalry Division. I hasten to add that Ron was also involved in the Panamanian crisis.

I will never turn my back on the needs of soldiers like Ron, and especially their families. And that brings me back to the purpose of my amendment.

In the meetings with families of Utah reservists, I learned that no fewer than two, and as many as five, have been evicted or are being threatened with eviction, because of lost income from military activation.

Imagine the specter of military families joining the ranks of the homeless? Who in this Chamber could tolerate such an unconscionable act? Worse, who would commit such a social atrocity at a time when the very purpose of the gulf action is to preserve the type of economic well-being and political culture that freely allows the aggrandizement of wealth, like the ownership of property? Evicting military families is a perverse form of price gouging. I intend to stop it.

WE MUST NOT LOSE SIGHT OF THE INTENT BEHIND THE LAW

Mr. President, when the Soldiers' and Sailors' Civil Relief Act was first drafted in 1940, the language clearly depicted the intent of Congress—to assure that those called up would be able "to devote their entire energy to the defense needs of this nation."

Our Armed Forces in the gulf have enough to worry about without causing them to agonize over the well-being of their loved ones back at home.

But, Mr. President, my bill does not ignore the rights of property owners. On the contrary, it strengthens the very process of achieving equity. That comes form balancing rights and duties, especially in wartime. The courts remain fully empowered to consider any type of contract-related inequity brought to it by any party to the agreement.

For example, landlords can still sue. I do not change that. And landlords can get favorable judgments, to include those of default where the military members cannot appear for reason of military service.

What I do change, however, is the period that the court can stay the judgment, which was formerly 3 months and is now 12.

Nor do I alter the provision of the act that allows for the military authorities to order an allotment from a member's military pay to take care of one's wife, children, or other dependent members of the military family of any active duty spouse.

I urge my colleagues to join me in this small step for equity. One which I believe acknowledges a vastly more complex society than that which existed when the original act was drafted.

By Mr. KERRY (for himself, Mr. D'AMATO, Mr. RIEGLE, Mr. GARN, Mr. METZENBAUM, Mr. GRAHAM, Mr. BRYAN, and Mr. DIXON):

S. 305. A bill to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses, to amend chapter 53 of title 31, United States Code, to require the Secretary of the Treasury to issue regulations concerning the identification of nonbank financial institutions subject to the Bank Secrecy Act, to prohibit illegal money transmitting businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MONEY LAUNDERING ENFORCEMENT AMENDMENTS

• Mr. KERRY. Mr. President, today, I am introducing the Money Laundering Amendments of 1991. This bill is nearly identical to legislation which Senator D'AMATO and I introduced last year. That legislation was passed by the Senate and but for procedural error would undoubtedly have been conferenced with the House.

I am confident that this year Senator D'AMATO and I will see this bill passed by the Congress and signed into law.

Mr. President, I have said more than once that I believe the vast majority of bankers in this country are law abiding citizens; and I believe the vast majority of banks in this country are honest and working to cooperate with law enforcement in antimoney laundering efforts. This legislation is not directed at those individuals or those institutions.

But the fact remains that the laundering of illegal profits continues to be a $100 billion industry in this country.

No one can dispute that money laundering continues to be a central part of the drug trade. In my view, there is also a close connection between money laundering and the savings and loan crisis which I have outlined on numberous occassions both here on the floor of the Senate and in the committee.

Mr. President, I am deeply disturbed that drug dealers and S&L profiteers continue to use the depository institutions of this country to launder their ill-gotten gains.

This bill will give the appropriate Federal depository institution regulatory agencies the power to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions—banks, savings and loans, or credit unions—involved in money laundering or monetary transaction reporting offenses.

Before a charter can be revoked, however, the regulator must consider the following factors at a hearing: First, the degree to which senior management officials knew of, or were involved in, the solicitation of criminal funds or the money laundering operation; second, the effect revocation would have on the adequacy of the depository and credit services in the local community; third, the institution's cooperation with law enforcement authorities; fourth, the potential losses to the Federal deposit insurance funds and the RTC if the charter is revoked; and fifth, whether the depository institution's compliance and deterrence programs clearly exceeded the programs required by law.

This legislation will give law enforcement a new tool in the war on drugs, and in the effort to put the S&L swindlers in jail.

This bill also contains money laundering provisions originally introduced by Senator D'AMATO. This section improves cooperation between Federal and State authorities, improves the oversight and enforcement of money laundering compliance programs of nonbank financial institutions and addresses wire transfer transactions that currently are not monitored for detection of money laundering.

In hearings which I held in the fall of 1989, the Senate Banking Committee received testimony on the problems of money laundering in nonbanking financial institutions such as money transmitters, check cashers, and money exchange houses. This legislation will make it a Federal felony for these institutions to transmit money without a license.

The legislation also requires the Secretary of the Treasury to issue final regulations concerning recordkeeping for international wire transfers. As we heard in our hearings last year, once money was deposited into the banking system, it can be transmitted electronically from bank to bank around the world. According to the Federal Reserve, an estimated 1 trillion U.S. dollars in international wire transfers occurs each day. Despite this huge volume of transactions there is important information that can be gleaned from these transfers and the entire system needs to be reevaluated. Senator D'AMATO's legislation requires that the Treasury Department, in promulgating regulations governing wire transfers, must consider the usefulness of the records in criminal, tax or regulatory investigations or proceedings and the effect of recordkeeping in the cost and efficiency of the payment system.

The only difference between this bill and the one we introduced during the last session is the addition of section 209 concerning an authorization of $1 million for the Treasury Department to establish a team of experts to assist and provide training to foreign governments and agencies on antimoney laundering enforcement.

Mr. President, this bill represents months of hard work in both Houses. It represents a bipartisan effort. It is sound legislation and I urge my colleagues to adopt this bill unanimously.

I would like to thank Senators D'AMATO, RIEGLE, GARN, and METZENBAUM, all of whom worked on this legislation. I would also like to thank the other cosponsors of this legislation, Senators GRAHAM, BRYAN, and DIXON.•

• Mr. RIEGLE. Mr. President, I join my colleagues, Senators KERRY, D'AMATO, GARN, and others, in introducing the Money Laundering Enforcement Amendments Act of 1991. This legislation is nearly identical to legislation passed by the Senate in 1990. That legislation was the subject of hearings before the Senate Banking Committee and was reported out by the committee unanimously. The House of Representatives passed similar legislation twice—first, by a vote of 407–0, and second, by unanimous consent. This legislation is necessary and important to this country's continuing war on drugs and drug money launderers. It will strengthen enforcement efforts and increase the pressure on drug

money launderers. The legislation was broadly supported in the 101st Congress, by the Treasury Department and by private industry. Had it not been for the crush of last minute business in the 101st Congress, this legislation would have become law. I fully expect the Banking Committee to move this bill expeditiously. I want to commend Senators KERRY and D'AMATO for their fine work on this bill.

We have made major strides against drug traffickers and those who assist them in laundering their illicit profits. Nevertheless, gaps in enforcement remain. Events and developments during the past 2 years which were explored by the Banking Committee during several hearings brought this to light. We found that it may be difficult to immediately close institutions that are actively soliciting and laundering drug money. This legislation authorizes regulators of depository institutions, in appropriate cases, to revoke a charter, terminate deposit insurance and remove employees convicted of money laundering. The bill sends a clear message to bank management and employees who assist money launderers—you will lose your job, your institution will be closed, and you will be banned from the banking industry.

As we have adopted measures to deter and catch money laundering at depository institutions, the drug trade has come to rely on other avenues for laundering their drug money. They increasingly have used money transmitters, money exchangers, and check cashers as entry points into the financial system and they have used international wire transfers to swiftly move and conceal their illegal profits. This legislation requires depository institutions to identify their customers that are nonbank financial institutions, including money transmitters, money exchangers, and check cashers, to the Treasury Department so that compliance with money laundering enforcement statutes by these entities can be monitored more closely. Furthermore, the legislation makes conducting a money transmitting business without the appropriate State license punishable as a Federal felony where such conduct constitutes a misdemeanor or felony under State law. Finally, the legislation requires the Secretary of the Treasury to promulgate final regulations by October 1991 requiring depository institutions, money transmitters and others to keep records of international and other funds transfers.

This bill is important to our efforts to fight drug trafficking in this country. I strongly urge my colleagues to support this important legislation and to enact it quickly.●

By Mr. DODD (for himself, Mr. BOND, and Mr. LIEBERMAN):

S. 306. A bill to amend the Export-Import Bank Act of 1945 to permit the Export-Import Bank to assist in the export of certain U.S. defense articles and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FINANCING DEFENSE ARTICLES AND SERVICES

● Mr. DODD. Mr. President, today on behalf of myself, Senator BOND and Senator LIEBERMAN, I am introducing legislation to mandate that the U.S. Export-Import Bank [Eximbank] establish a guarantee program to assist U.S. exporters of defense articles and services in their struggle to remain competitive in this highly subsidized sector of international commerce. This bill mandates that Eximbank establish a sensible program for providing guarantees to assist United States companies attempting to compete for business in NATO countries, Japan, Israel, Australia, and New Zealand—countries that are close friends and allies.

Why is such a program needed at this time? Despite the recent outbreak of hostilities in the Persian Gulf, it is fairly clear that the new international order that has emerged since the dismantling of the Berlin Wall seems to no longer demand the spending of enormous sums of U.S. taxpayers' dollars on increasingly sophisticated and very costly defense systems. Nor can the current sorry state of the Federal budget sustain such spending.

Ironically, the result of these changed circumstances has put at risk the continued viability of the U.S. defense industry as it is currently configured. Plant closings have threatened the livelihoods of millions of American workers and hold out the grim prospect of economic hardships for entire communities across the country. Understandably, corporate planners and strategists throughout the industry have attempted to adjust to the new realities of less U.S. defense spending by seeking out alternative commercial opportunities. The more successful they are in finding commercial alternatives, the greater the cushion to companies, to workers and to communities experiencing these Government spending cutbacks.

Let me be clear about what this bill does and does not do with respect to Eximbank and with respect to procedures for ensuring that U.S. national security interests are protected. Aside from waiving the two provisions of law which cast doubt on whether Eximbank can legally undertake this effort, the bill in no way seeks to alter any of the other safeguards and standards set forth in Eximbank's charter. Nor would this bill require that Eximbank approve any and all requests for assistance, without regard to the commercial soundness of the sale or its national security implications. The Government review and licensing requirements which currently apply to the export of defense equipment and services would continue to apply to Eximbank-assisted defense exports.

Nor would this program come at the expense of existing programs. It would in no way impinge on Eximbank's assistance to its traditional clients—nondefense exporters. This is so, because historically the bank has come no where near to exhausting the $10 billion of guarantee authority that is made available to it annually by the Congress.

There is no question that our defense industry faces enormous challenges in the coming decade. I believe that Eximbank can and should play a small role in assisting the industry at this critical juncture. There is no question that the products and services offered by our industry are top of the line and highly sought after by other governments. But, they are very expensive and to be attractive to foreign purchasers they must be accompanied by financing packages as attractive as those offered by our competitors. There is little dispute that most foreign competitors have available to them well established official guarantee and loan programs that improve their prospects for capturing sales. In most cases this is done by the very agency that provides credits and guarantees to nondefense exporters.

However, since the early 1970's, Eximbank has generally declined to assist U.S. exporters of defense articles and services, both as a matter of law and policy. Legislative efforts on my part over the last several years to alter that policy have until now met resistance by the Eximbank and by certain other U.S. Government agencies—although some have been sympathetic to the change.

The bill that Senator BOND and I are introducing today is nearly identical to a provision that we offered to a Banking Committee bill last year. That provision was adopted by the committee with a vote of 16 to 5 during consideration of S. 2927—a bill to amend and extend the Export Administration Act of 1979, and subsequently passed the Senate without opposition. But, for a variety of reasons, including administration opposition to it, the provision never became law. I would ask unanimous consent that the appropriate portion of the Banking Committee's report on S. 2927 pertaining to this provision be printed in the RECORD at the conclusion of my statement.

Since last October when this matter was last considered, it appears that the administration has had a change of heart. I am told that serious consideration is now being given to Eximbank's getting into the business of providing some guarantees for defense related exports to our NATO allies and certain other major non-NATO allies, along the lines that Senator BOND and I have been suggesting.

Mr. President, I will be seeking early consideration of this bill by the Senate Banking Committee. And, I look forward as well to working with the administration to get this program up and running, so that our defense industry will not be forced to compete with one hand tied behind its back during this particularly difficult economic adjustment period.

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

EXPORT ADMINISTRATION ACT AMENDMENTS OF 1990—REPORT OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, U.S. SENATE

SECTION 206. FINANCING DEFENSE ARTICLES AND SERVICES

This section would amend the Export-Import Bank Act of 1945 to require the Eximbank to establish a program to provide guarantees for the sale of defense articles and services to Japan or any NATO member country on terms and conditions which are fully competitive with the Government-sponsored terms and conditions available from the principal countries whose exporters compete with U.S. exporters in the sale of defense articles and services to Japan and NATO countries. This provision clarifies existing law by explicitly directing the Eximbank to use its guarantee authority to assist United States exporters of defense articles and services in pursuing commercially viable sales to Japan and to our NATO Alliance partners, while keeping intact the general prohibitions on the sale of these items to economically less developed countries as contained in Section 2(b)(6)(A) of the Export-Import Bank Act and Section 32 of the Arms Export Control Act.

The Eximbank as a matter of policy—versus statutory requirement—has refrained from financing sales of defense articles and services, regardless of the economic status of the country to which the sale was directed. That policy was based in part on a decision to concentrate the resources of the Eximbank on providing commercial export financing and not to divert limited staff resources to develop financing packages for military sales. In addition, there was a concern that a significant exposure by the Eximbank in a country under a military sales program could reduce the Eximbank's ability to provide support under its regular commercial export financing programs owing to the concentration of Eximbank exposure to credit risk in that country.

Several considerations led the Committee to adopt this provision. First, last year as part of the FY 1990 Foreign Operations Appropriations Act, the Senate adopted a provision which made clear that the Senate did not intend the prohibition on Eximbank assistance for defense related exports to less developed countries to apply to NATO countries, which are developed countries and close allies. In a compromise adopted by House and Senate conferees, the final bill specifically authorized the Eximbank to utilize its guarantee program for sales to Greece and Turkey. Despite this provision, the Eximbank has not provided loan guarantees for any defense related exports. Therefore, the Committee felt that it was now appropriate to mandate a change in policy with respect to NATO countries and Japan.

Second, under current circumstances, considerable guarantee authority could be provided for military sales to NATO and Japan without reducing the availability of Eximbank resources for non-defense exports. In FY 1989, the Eximbank utilized only $5.6 billion of the $19 billion in guarantee authority that had been made available. Similarly, in the current fiscal year the Eximbank has utilized only $5 billion of the $10.1 billion in guarantee authority as of July, and clearly will not utilize all of the remaining authority in the last ten weeks of this fiscal year.

Third, European and Japanese governments heavily subsidize their defense industries, and provide concessional financing to their defense exporters. This has placed U.S. defense exporters at a competitive disadvantage in these markets and has cost U.S. sales and jobs. The U.S. foreign military sales program which does provide financing for defense sales, does so only for government-to-government sales, and has not been made generally available for sales to most European countries.

Fourth, substantial cuts in U.S. defense expenditures that will occur in this fiscal year and in fiscal years to follow threaten to place an enormous burden on the U.S. defense industry, and particularly upon those communities that are very dependent on these companies for jobs. Providing Eximbank guarantees for defense exports at this juncture could help cushion the adjustment of the U.S. defense cuts by allowing the industry to gear itself up to compete internationally and keep production lines operational.

The requirements of this section are limited only to the loan guarantee authority of the Eximbank and are subject to standards and requirements which the Export-Import Bank Act mandates for all of Eximbank's programs.●

By Mr. RIEGLE:

S. 307. A bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes; to the Committee on Finance.

FIRST-TIME HOME BUYER OPPORTUNITY ACT

● Mr. RIEGLE. Mr. President, I am introducing today the First-Time Homebuyer Opportunity Act of 1991, which will bring home ownership within the reach of many American families. This legislation, which I originally introduced in 1987, would allow people to use funds in their individual retirement accounts [IRA's] to help them purchase a first home.

The dream of owning their own home has motivated generations of American families. For most Americans, home ownership has been the only realistic way to build family assets and provide a nest egg for their retirement years. Home ownership contributes enormously to the quality of our community life and the stability of our society.

Unfortunately, because of rising costs coupled with a recession, the ability to purchase a home has been elusive for many Americans. This legislation would allow people to use up to $10,000 of their investment in an IRA or other individual retirement annuity for investment in a home. There would be no penalty or tax due for this type of withdrawal as long as a home was purchased within 90 days. The tax would only be due when the home is eventually sold.

This legislation would impose no further burden on the U.S. Treasury. Its effect would be to make investment in a first home a permitted form of IRA investment. Individuals already have wide latitude in investing their IRA funds: stocks, bonds, real estate investment trusts, certificates of deposit, and other forms of financial assets. It is ironic that investment in a person's own home is not already a permitted form of investment since home ownership has long proven to be one of the best ways for most Americans to build up assets.

This legislation would also provide stimulus to home purchasing and would thus be an effective means of helping to bring the United States out of an economic recession.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD as if read.

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

S. 307

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "First-Time Homebuyer Opportunity Act of 1991".

SEC. 2. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNT OR ANNUITY USED FOR FIRST-TIME HOME PURCHASE.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to treatment of distributions) is amended by adding at the end thereof the following new paragraph:

"(8) Distributions used to purchase a home by first-time homebuyer.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any payment or distribution received by a first-time homebuyer from an individual retirement account or from an individual retirement annuity to the extent such payment or distribution—

"(i) is used by the individual before the close of the 90th day after the day on which such payment or distribution is received in connection with the acquisition during such 90-day period of a principal residence for such individual, and

"(ii) is attributable to amounts paid into such account or annuity at least 12 months before the date of the acquisition of the principal residence described in clause (1).

For purposes of clause (ii), any payment or distribution shall be treated as made first from amounts described in clause (ii).

"(B) $10,000 AGGREGATE MAXIMUM.—The aggregate amount of payments and distributions to which subparagraph (A) applies for all taxable years with respect to any individual shall not exceed $10,000.

"(C) BASIS REDUCTION.—The basis of any principal residence described in subparagraph (A) shall be reduced by any amount excluded from gross income of such first-time homebuyer by reasons of subparagraph (A).

"(D) RECOGNITION OF GAINS AS ORDINARY INCOME.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, gain (if any) on the sale or exchange of a principal residence to which subparagraph (A) applies shall, to the extent of the amount excluded from gross income under subparagraph (A)—

"(I) be treated as ordinary income by such individual, as

"(II) included in gross income ratably over the 5-taxable year period beginning with the taxable year in which such sale or exchange occurs.

"(ii) DEATH OF FIRST-TIME HOMEBUYER.—Except as provided in clause (iii), in the case of the death of any individual to which clause (i) applies, any amount not included in gross income for any taxable year ending before the taxable year of such decedent's final return shall be included in gross income on such final return.

"(iii) SPECIAL RULE FOR SURVIVING SPOUSE.—If a decedent's interest in the proceeds from a sale or exchange of a principal residence passes to the decedent's surviving spouse, such surviving spouse shall include in gross income that portion of the gain required to be included in gross income under clause (i) which was not included in the gross income of such decedent. Such amount shall be included ratably in gross income by such surviving spouse over the unexpired portion of the 5-taxable year period referred to in clause (i).

"(iv) COORDINATION WITH OTHER PROVISIONS.—In the event all or part of the gain referred to in clause (i) is treated as ordinary income under any other provision of this subtitle, such provision shall be applied before clause (i).

"(E) DEFINITIONS.—

"(i) FIRST-TIME HOMEBUYER.—For purposes of this paragraph, the term 'first-time homebuyer' means any individual who (or whose spouse) has had no present ownership interest in a principal residence during the 3-year period ending on the date of purchase of the principal residence described in subparagraph (A).

"(ii) PRINCIPAL RESIDENCE.—For purposes of this paragraph, the term 'principal residence' shall have the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—For purposes of this paragraph, the term 'date of acquisition' means the date on which a binding contract to buy the principal residence described in subparagraph (A) is entered into.".

(b) CONFORMING AMENDMENTS.—Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to adjustments to basis) is further amended—

(1) by striking out "and" at the end of paragraph (23),

(2) by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (24) the following new paragraph:

"(25) to the extent provided in section 408(d)(8)(B).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to payments or distributions made after the date of enactment of this Act in taxable years ending after such date.•

By Mr. GRAHAM (for himself, Mr. HEINZ, Mr. MCCAIN, Mr. REID, Mr. CRANSTON, Mr. SARBANES, Mr. MACK, Mr. SHELBY, Mr. BURDICK, Mr. DECONCINI, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. GLENN, Mr. BOREN, Mr. DIXON, Mr. LEAHY, Mrs. KASSEBAUM, Mr. HATCH, Mr. GORE, Mr. SANFORD, Mr. ROBB, Mr. CONRAD, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. WARNER, Mr. BIDEN, Mr. AKAKA, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. STEVENS, Mr. SIMON, Mr. COHEN, and Mr. PELL):

S.J. Res. 53. Joint resolution to designate April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

• Mr. GRAHAM. Mr. President, today I am introducing legislation designating April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day."

We are all worried about the well-being of American soldiers held captive in Iraq. The images of these prisoners make us painfully aware of the physical and mental hardships these soldiers endure for their country. I am outraged that President Saddam Hussein has purposely put these prisoners' lives in danger in clear violation of international treaties.

Our thoughts and prayers are with the families and friends of these soldiers. It is my sincere hope that the prisoners now held in Iraq will be home to participate in the celebrations on April 9.

It is appropriate at this time to pause and reflect on the courage and sacrifice of our estimated 80,000 former prisoners of war. We have chosen the 9th of April as it marks the day in 1942 when Bataan fell and thousands of American soldiers were taken prisoner by enemy troops in the Philippines. What followed was the grim, forced march that led to the death of many of those captured. Survivors faced such brutalities that most were left with permanent disabilities.

The men and women who were captured and imprisoned gave up months and years of their lives to ensure the continuation of the freedoms we enjoy today. Their service has taught us about patriotism, perseverance, and character. There is little we can do to repay these men and women, but we can recognize their invaluable contribution.

I urge my colleagues to join Senator HEINZ, Senator MCCAIN, and the 35 Members of this body who have already cosponsored this important resolution honoring our former prisoners of war.

I ask unanimous consent that the text of the joint resolution be included in the RECORD.

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

S.J. RES. 53

Whereas members of the armed forces of the United States have been recently captured by the armed forces of Iraq and have been held as prisoners of war;

Whereas the prisoners of war held by Iraq have endured incredible hardships and the events surrounding the holding of such prisoners remind us of the thousands of members of the armed forces of the United States who served in past armed conflicts and were held prisoners of war;

Whereas many prisoners of war have been subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war;

Whereas many former prisoners of war died, or were disabled, as a result of such treatment;

Whereas, in 1985, the United States Congress directed the Department of Defense to issue a medal to former prisoners of war recognizing and commemorating their great sacrifices in service to our Nation; and

Whereas the great sacrifices of prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1991 and April 9, 1992, are designated as "National Former Prisoner of War Recognition Day" in honor of the members of the armed forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.•

• Mr. HEINZ. Mr. President, I rise to sponsor, along with my colleague Senator BOB GRAHAM of Florida, legislation to designate April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day."

When this measure was introduced in the last Congress, the Nation was not at war. Of course, now it is. Unfortunately, with the onset of conflict has come an increase in the POW count.

Mr. President, we all saw the terrifying images of Americans being held by Iraqi captors under Saddam Hussein's orders, staring blankly and reciting scripted messages. In response, I joined my colleagues in calling upon Iraq to uphold its Geneva Convention pledge. Further, I joined with Senator MCCONNELL to introduce the War Crimes Act, a measure providing for the prosecution of Iraqi war criminals in United States Federal courts or before an international tribunal.

Someday, Mr. President, the war will end and, we hope, American prisoners will be released. While the atrocities committed against them cannot be undone, they can be avenged. If we are truly outraged and sickened by the brutal treatment American POW's are receiving in Iraqi hands, we can do no less than bring Saddam Hussein and his torturers to justice.

But, Mr. President, we must do more than mete out punishment to war criminals. We must honor their victims, the individuals who bravely withstood cruelty and inhumane treatment. That is why I am asking my colleagues to support our effort to designate April 9 as "National Former POW Recogni-

tion Day." It is a resolution which serves to underscore the importance of the individuals known as POW's, and the sacrifices and hardships they endured for the cause of freedom.

In his farewell address, former President Ronald Reagan warned Americans against ignorance of their history and their heritage. Mr. President, the experiences of former prisoners of war is an especially vital part of that lesson, and serves as an object lesson on the meaning of self-sacrifice.

Thus, it is fitting to designate April 9 as a day to remember. It is the anniversary of Bataan—a name synonymous with suffering endured in captivity and a symbol of man's cruelty to other men. We must never forget those who perished or the individuals who still suffer from the horrors of deprivation and torture. It is for this reason that Senator GRAHAM and I led the effort here in the Senate during the last Congress to secure benefits for former POW's for disabilities from which they continue to suffer.

Mr. President, I am heartened by the support for this measure by my colleagues here in the Senate. I ask that those who seek to recognize these valorous POW's join us as cosponsors of this legislation. Americans should be aware of the special sacrifices made for them through a national day of recognition.●

By Mr. DIXON (for himself and Mr. SIMON):

S.J. Res. 54. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RELATIVE TO LINE-ITEM VETO

● Mr. DIXON. Mr. President, I rise today to reintroduce a joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce individual items of appropriations, subject to a majority vote override. I am joined in this effort by my warm friend and distinguished colleague, Senator PAUL SIMON.

I do not propose this Constitutional amendment lightly, but I am convinced we need fundamental changes in our budgeting procedures if we are ever to restore fiscal discipline to the Federal Government. Our looming deficit cuts into our ability to deal with the many other problems facing the Nation. Until we significantly reduce the deficit, we will not be able to fully fund many other vital domestic programs.

Especially at this moment in our history, Federal funds are squeezed tighter than ever. The recession and costs associated with Operation Desert Shield will add billions to the Federal deficit, thereby reducing funds for other programs.

The most recent budget deficit projections, announced by the administration recently, is estimated between $300 billion and $325 billion. When the costs associated with Operation Desert Shield are included, and the $66 billion Social Security surplus are excluded, the Federal Government could face an operating deficit in excess of $400 billion.

Although Congress enacted the largest deficit reduction package in the Nation's history, the people of the United States will face the largest deficit in the Nation's history. We have been unable to rid ourselves of this ball and chain on our economy.

Where does the money come for new initiatives when the deficit continues to eat away at our ability to meet the needs of the country? Budgetary legerdemain will not solve our ongoing fiscal crisis; fundamental reform of our budget processes is required if Federal deficits are to be controlled over the long run.

Solving our budget problems will require strong action in a number of areas. I am convinced that adding an item veto provision to our Constitution is probably the single most important action we could take if we really want to end the deficit nightmare.

The Senate Judiciary Committee passed this constitutional amendment out of committee in the 101st Congress. It was the first time in decades a line-item veto constitutional amendment had been passed through the committee process.

The item veto amendment to the Constitution is not a flash in the pan idea, Mr. President. It has a long and distinguished history, dating back to the Confederate Constitution. In the years since the Civil War it has been included in the constitutions of 43 of the 50 States. The States gave their Governors this authority because it was needed, because it strengthens their budget processes, and because it works. No State that has adopted the item veto has ever repealed it.

While the idea has demonstrated its merit at the State level, however, it has never seriously been considered at the Federal level. Numerous item veto proposals have been introduced in Congress since the first one in 1876. At least seven different Presidents have requested item veto authority. But none of these proposals or requests has ever been sent to the States or been acted on by either the House or the Senate.

Mr. President, it is long past time to change that situation, and act on an item veto provision that helps restore the President's veto power. I say restore because the truth is that the presidential veto is now a much weaker weapon than it once was.

Under our constitution, a President can only veto an entire bill. He or she cannot veto individual items of spending within the bill—the veto is an all or nothing proposition. When our Constitution was written, that was a reasonable and workable balance of powers between the legislative and executive branches. Government was smaller and simpler. Over the past two centuries, though, Congress has tipped the balance in its favor and substantially eroded the President's veto power. The growth in government, together with the increasing use of omnibus legislation, now make it significantly more difficult for a President to play the role envisioned by the Nation's Founders.

At times, a President has the choice of either shutting down the Government, or signing into law billions of dollars of spending which he or she does not support. In 1987, you will recall, all Government spending was included in a single omnibus bill instead of the 13 annual appropriation bills that Congress usually acts on to exercise its control over Government spending.

Congress did pass each appropriation bill on its own in 1990, rather than in one lump sum, but the practice of attaching controversial items to most bills in an effort to make it more difficult for a President to use his veto power was just as evident. Logrolling, and packaging good and bad programs into a single appropriations bill, have become a way of life.

These practices are near and dear to the hearts of many legislators, but they work to undermine our ability to budget in a fiscally sound and responsible manner. They are clearly wasteful, extravagant, and destructive.

Congress will never resolve the deficit problems, Mr. President, if it continues this business as usual approach. Congress must surrender some of the prerogatives it has accumulated over the years, and allow at least a partial restoration of the President's veto power.

Many members, as well as those who benefit from the current way of doing things, may not want to surrender all the power they have gained. To ensure that the proper balance of powers between the legislative and executive branches of Government is maintained—to ensure no possibility of the creation of an imperial presidency—I am proposing only a partial restoration, giving the President item veto authority, but allowing Congress to override it by a simple constitutional majority.

Under my proposal, a President would have to choose, either veto an entire bill, forcing Congress to attempt to override by two-thirds vote, or use the item veto, recognizing that it would be easier for Congress to override.

Stated another way, it simply allows a President to put the Congress on record, to see whether there is in fact

majority support for certain individual items of spending in an omnibus bill. As we all know too well, most Members of Congress have never seen and do not know about many of the literally thousands of individual items in the hundreds of pages of appropriations bills enacted every year. We rely on staff, and the knowledge, character, and ability of the Senators and Representatives that are the subcommittee chairmen and ranking members that handle the bills. Yet all these items are presumed to have majority support because they were included in a major bill that majorities in both the House and the Senate supported.

If a President opposes an item, why shouldn't he or she have the right to ask the Congress to go on record, and to determine whether the majority that is presumed to exist actually exists? In the early days of our Republic, Presidents often effectively had that right because bills were narrower and did not deal with more than one subject. We have now reached the point, however, where a single appropriations bill contains over $558 billion in spending authority, a practice which I believe usurps the President's constitutionally-mandated role in the legislative process.

Majority override means that a President could not overturn strong congressional support for a single item through use of the item veto and the support of "one-third plus one" in either the House or the Senate. Only the veto of an entire bill would take a two-thirds vote to override. An item veto would be sustained if the President commanded majority support, and would be overturned if the item had majority backing.

The item veto constitutional amendment is not a cure-all for the budget problems we are facing, Mr. President. Dealing with the deficit will require action in every area of the budget, action that will be difficult and distasteful. However, this proposal can and will make a real difference. If a Federal item veto with majority override works as well at the Federal level as it does in my own State of Illinois, it could save billions of taxpayers dollars a year.

I urge the Senate to consider this proposal very carefully. I am convinced that the result of this fair and reasonable examination will be an early submission of the constitutional amendment to the States for ratification. I look forward to working with my colleagues toward these objectives. Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

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

S.J. RES. 54

Resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"The President may reduce or disapprove any item of appropriation in any Act of joint resolution, except any item of appropriation for the legislative branch of the Government. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not reduced or disapproved shall become law. The President shall return with his objections any item of appropriation reduced or disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of the article I for Acts disapproved by the President, reconsider any item disapproved or reduced under this article, except that only a majority vote of each House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or joint resolution.".●

● Mr. SIMON. Mr. President, I rise to join my senior Senator ALAN DIXON in sponsoring this constitutional amendment to provide for a line-item veto. Adding a line-item veto to the Federal Constitution is a needed step in the direction of fiscal responsibility.

Last April, the Judiciary Committee approved this and another constitutional amendment for a line-item veto. This was the first time since 1884 that the committee had approved any constitutional amendment for a line-item veto. I want to see us do that again this year and move it forward.

As chairman of the Subcommittee on the Constitution, I do not take amending the Constitution lightly. Historically, we have added only 16 amendments since the Bill of Rights. But the growing Federal deficit shows more clearly with each passing year that Presidents and the Congress are failing to live within the Government's means.

Absent our own will and fortitude and leadership to reduce spending, this constitutional amendment is necessary to help alleviate our budgetary problems.

The line-item veto plan my colleague Senator DIXON and I propose today takes from the very successful history of our State of Illinois. According to some studies, the Illinois State government is able to reduce its annual budget by about 3 percent because of the line-item veto. Similar success on a Federal basis will bring us that much closer to reducing the national debt.

Our amendment is relatively simple. It is a constitutional amendment to permit the President to reduce or disapprove any item of appropriations. If he does not reduce or disapprove it, the item becomes law. If he does reduce or disapprove it, then Congress is empowered to override that veto by a simple majority vote of each House. There are those who are concerned that the line-item veto takes away power from the legislative branch and puts it into the hands of the executive. That might be so if this veto were like all others and required a two-thirds override. Ours does not. Our legislation is faithful to the principle of majority rule in passage of legislation. It threatens only those appropriations items which often are the least credible in the eyes of the American people and most difficult to justify.

Forty-three States now have the line-item veto. It is by no means a panacea. It is, however, a big step in the right direction for any serious attempt to put our fiscal affairs in order. It deserves passage by Congress and ratification by the States.●

By Mr. PELL (for himself, Mr. CHAFEE, and Mr. KERRY):

S.J. Res. 55. Joint resolution commemorating the 200th anniversary of United States-Portuguese diplomatic relations; to the Committee on the Judiciary.

THE 200TH ANNIVERSARY OF UNITED STATES-PORTUGUESE RELATIONS

Mr. PELL. Mr. President, I rise today to introduce a resolution on behalf of myself, Mr. CHAFEE, and Mr. KERRY commemorating the bicentennial of United States-Portuguese diplomatic relations. Congressman MACHTLEY is introducing a companion measure in the House of Representatives.

On February 21, 1791, our predecessors in this body ratified President George Washington's nominee, David Humphreys of Connecticut, to be our Nation's first Minister to Portugal, and on May 13, Mr. Humphreys presented his credentials to the court of Lisbon. On a personal note, I might add that 136 years later, my father, Herbet Pell, following in Mr. Humphreys' footsteps, took up his post as U.S. Minister in Lisbon.

While 1791 marked the official beginning of United States-Portuguese relations, Portugal's ties to the New World reach back much further—to the 15th century—when Portuguese explorers paved the way for the discovery of the Americas. For example, the Portuguese navigator Cabrilho, working for the Spanish kings, was the first European to sail into San Diego Bay.

Indeed, the strong maritime traditions of Portugal and the United States have contributed to the bonds between our two nations. Sea trade, for example, was the most important aspects of United States-Portuguese relations during the 19th century. New England fishermen regularly visited the Portuguese islands of Cape Verde and the Azores on their Atlantic Journeys. Many Portuguese mariners joined the crews of the American ships and eventually many of these sailors emigrated

to New England towns. The United States consulate in the Azores, through which many Portuguese immigrants passed, is the oldest active United States consulate post in the world.

Portuguese-Americans have contributed greatly to the religious, cultural, commercial, and political life of our Nation. The first synagogue in the United States—the Touro Synagogue in my home State of Rhode Island—was dedicated in 1763 by Portuguese and Spanish Jews. The New York financial and retail community was built in part by Portuguese Jews, and the University of Virginia was cofounded by Thomas Jefferson and Abbe Correira da Serra, a Portuguese botanist. Composers John Philip Sousa and Joe Raposo, writers Emma Lazarus and John Dos Passos, and Supreme Court Justice Benjamin Cardozo were all Portuguese-Americans.

Mr. President, our political and diplomatic ties with Portugal are strong. Portugal is a valued ally in the North Atlantic Treaty Organization and an important trans-Atlantic partner. Our two countries share a commitment to democracy, freedom, and peace—values which are particularly important as we approach such challenges as the war in the Middle East, the great changes in Europe, and conflicts in Africa. Portugal is a great friend of the United States, and I believe it is appropriate for us to mark the anniversary of the beginning of our formal relationship. Accordingly, I commend this resolution to my colleagues and urge their support.

By Mr. KASTEN (for himself, Mr. LEVIN, Mr. DOLE, Mr. SYMMS, Mr. HEFLIN, Mr. WARNER, Mr. MOYNIHAN, Mr. DIXON, Mr. KERRY, Mr. RIEGLE, Mr. BURDICK, Mr. GRASSLEY, Mr. SANFORD, Mr. DIXON, Mr. SHELBY, Mr. SIMON, Mr. INOUYE, and Mr. DECONCINI):

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week"; to the Committee on the Judiciary.

DEAF AWARENESS WEEK

• Mr. KASTEN. Mr. President, during the second week of March 1988 the whole world heard the voice of the students at Gallaudet University. In the history of deaf America that event stands above all others in excitement and importance. That week resulted in the installation of Gallaudet's first-ever deaf president.

Today it gives me great pride to once again introduce a resolution that gives national recognition to that historic week.

Designating March 10–16, 1991, as "Deaf Awareness Week" will help Americans—and especially the more than 24 million who are hearing-impaired—remember that important week and the ideals it has come to symbolize.

This special week will once again give us all an opportunity to "listen" to our fellow citizens who are hearing-impaired.

Let us continue the proud tradition of observing this special week in commemoration of the truly historic events at Gallaudet University.•

By Mr. THURMOND:

S.J. Res. 57. Joint resolution to designate the month of May 1991 as "National Foster Care Month"; to the Committee on the Judiciary.

NATIONAL FOSTER CARE MONTH

• Mr. THURMOND. Mr. President, I am pleased to introduce today a Senate joint resolution which would designate May of this year as "National Foster Care Month."

It is acknowledged that a family environment with loving and caring parents is the ideal situation for children. However, in the United States there are hundreds of thousands of foster children who through no fault of their own have been deprived of this normal home relationship involving love, shelter, and other needs that are the basic necessities of all children. Foster parents volunteer their time, energy, and material resources 24 hours a day, 7 days a week, to help enable these children to develop into mature, responsible, and productive adults.

Our Nation's foster parents have a long and proud tradition of reaching out to those children who need them most. We need to publicly recognize these efforts and call attention to the vital needs of all foster children in the United States. Acknowledgment of the valuable contributions of foster care parents will provide for greater public awareness of and community support for these Americans.

Mr. President, I urge my colleagues to join me in supporting this resolution.•

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] 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. 18

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 18, a bill to establish constitutional procedures for the imposition of the death penalty for certain Federal offenses.

S. 19

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 19, a bill to provide expedited procedures for the consideration of habeas corpus petitions in capital cases.

S. 25

At the request of Mr. PACKWOOD, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 68

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 88

At the request of Mr. DURENBERGER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 105

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 105, a bill to entitled the "The Drug Kingpin Death Penalty Act."

S. 142

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 142, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 143

At the request of Mr. MCCONNELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 160

At the request of Mr. SMITH, his name was added as a cosponsor of S. 160, a bill to extend the period of unemployment compensation for individuals involuntarily separated from the Armed Forces.

At the request of Mr. MCCAIN, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Tennessee [Mr. GORE], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 160, supra.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Washington [Mr. ADAMS], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Georgia [Mr. FOWLER], the Senator from Wisconsin [Mr. KASTEN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 190

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 199

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 204

At the request of Mr. SMITH, his name was added as a cosponsor of S. 204 a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 204, supra.

S. 205

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 218

At the request of Mr. INOUYE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 218, a bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in technologies, and for other purposes.

S. 221

At the request of Mr. SMITH, his name was added as a cosponsor of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 221, supra.

S. 232

At the request of Mr. SMITH, his name was added as a cosponsor of S. 232, a bill to amend title 38, United States Code, to increase the maximum amount of coverage under Servicemen's Group Life Insurance; and to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase.

S. 237

At the request of Mr. SMITH, his name was added as a cosponsor 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.

At the request of Mr. NUNN, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 237, supra.

S. 238

At the request of Mr. DASCHLE, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nebraska [Mr. KERREY], the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. WELLSTONE], the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. THURMOND], and the Senator from New York [Mr. D'AMATO] were added as a cosponsors of S. 238, a bill 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.

At the request of Mr. GRASSLEY, his name was added as cosponsor of S. 238, supra.

S. 239

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor 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. 266

At the request of Mr. BIDEN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 266, a bill to prevent and punish domestic and international terrorist acts, and other purposes.

S. 267

At the request of Mr. REID, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 275

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 275, a bill to provide for the implementation of a tariff preference regime affecting certain articles from Andean countries, and for other purposes.

S. 280

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of 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.

S. 281

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. WIRTH], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 281, a bill to provide schoolbased 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.

SENATE JOINT RESOLUTION 45

At the request of Mr. REID, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Utah [Mr. HATCH], the Senator from South

Carolina [Mr. HOLLINGS], the Senator from Arizona [Mr. DECONCINI], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 45, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 46

At the request of Mr. STEVENS, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BURNS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 46, a joint resolution disapproving the action of the District of Columbia Council in approving the Assault Weapon Manufacturing Strict Liability Act of 1990.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. AKAKA], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 49, a 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.

SENATE RESOLUTION 17

At the request of Mr. SYMMS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 17, a resolution to express the sense of the Senate in support of "Operation Homefront."

SENATE CONCURRENT RESOLUTION 7—URGING THE ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL TO JUDGE AND PUNISH SADDAM HUSSEIN FOR HIS OFFENSES

Mr. COCHRAN (for himself, Mr. LUGAR, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, and Mr. SIMPSON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas the military forces of Iraq, acting under the direction of Saddam Hussein, have killed, tortured, and wrongfully detained Kuwaiti citizens and others who reside in Kuwait;

Whereas Saddam Hussein and his military forces have engaged in a wanton spree of pillaging and destroying private property in Kuwait;

Whereas Saddam Hussein detained hundreds of foreign nationals for more than four months as hostages and "human shields" in Iraq and Kuwait;

Whereas Saddam Hussein has used deadly missiles against civilian population centers in Israel;

Whereas Saddam Hussein has called for and promoted openly acts of terrorism against the United States and its allies;

Whereas Saddam Hussein's stated intention to use United States and allied prisoners-of-war as "human shields" violates Geneva Convention provisions against interning prisoners near combat zones; and

Whereas Saddam Hussein's abuse, exploitation, and public display of United States and allied prisoners-of-war violate Geneva Convention provisions on the treatment of such prisoners: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress urges the President to conclude an agreement with the other foreign governments allied with the United States in the Persian Gulf War for the establishment of an international tribunal with jurisdiction to judge and punish Saddam Hussein for—

(1) conducting unprovoked war against Kuwait and Israel, including the targeting, maiming, and killing of innocent civilians; and

(2) abusing prisoners-of-war captured in the War.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE RESOLUTION 20—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 20

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 Foreign Relations 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 non-reimbursable 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 $3,183,489, of which amount (1) not to exceed $45,000 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 $1,000 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 $3,302,578, of which amount (1) not to exceed $45,000 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 $1,000 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 stationery supplies purchased through the Keeper of the Stationery, U.S. 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."

SENATE RESOLUTION 21—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURDICK, from the Committee on Environment and Public Works, reported an original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 21

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 Environment and Public Works 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 non-reimbursable, basis the services of any such department of 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 $2,771,485.00, of which amount (1) not to exceed $8,000.00 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 $2,000.00 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 $2,874,714.00, of which amount (1) not to exceed $8,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as author-

ized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,000.00 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 stationery supplies purchased through the Keeper of Stationery, U.S. 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."

SENATE RESOLUTION 22—RELATIVE TO BALTIC RECOGNITION

Mr. D'AMATO (for himself, Mr. HELMS, Mr. SMITH, Mr. DECONCINI, Mr. WALLOP, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 22

Whereas on March 11, 1990, the Supreme Council of the Republic of Lithuania declared the restoration of the independence of it enjoyed from 1918 until its forcible annexation by the Soviet Union in 1940;

Whereas that annexation was undertaken as a part of the Hitler-Stalin Pact;

Whereas the United States has never recognized that annexation;

Whereas the Soviet Union is now engaged in a brutal repression of the democratically elected government of Lithuania, including the killing of innocent civilians;

Whereas the Republics of Latvia and Estonia have also declared the restoration of their independence;

Whereas the Republics of Latvia and Estonia were also annexed as a part of the Hitler-Stalin Pact;

Whereas similar repression is now threatened in Latvia and Estonia: Now, therefore, be it

Resolved, That the Senate urges the President to grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia.

• Mr. D'AMATO. Mr. President, I rise today to submit legislation, along with Senators HELMS, SMITH, DECONCINI, WALLOP, and LIEBERMAN as original cosponsors, urging the President to grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia.

While the attention of our country and world is properly riveted to the reports coming in from the Middle East, we must not allow the Soviet Union to believe that we have forgotten or forgiven their brutal actions in Lithuania. The slaughter of freedom-loving civilians by Soviet troops is a chilling action reminiscent of the worst cold war atrocities.

When Lithuanians first reasserted their independence on March 11, 1990, those of us who counseled diplomatic recognition of their Government were met with arguments that doing so would be precipitous. Those arguments are now clearly without merit. The Soviets have now taken the precise action we intend to dissuade by a measured response to their previous threats.

The murder of Lithuanians whose only crime was to desire freedom and democracy demands an immediate response from the United States. The United States should grant diplomatic recognition to the democratically elected Governments of Lithuania, Latvia, and Estonia. That recognition will send the clearest possible signal to Soviet leaders.

Our country has never recognized the illegal annexation of the Baltics by the Soviet Union. It was accomplished under the auspices of the Hitler-Stalin Pact that precipitated World War II. We should now reaffirm our commitment to Baltic independence by granting diplomatic recognition to their democratically elected governments.•

SENATE RESOLUTION 23—AUTHORIZING TESTIMONY BEFORE A GRAND JURY

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 23

Whereas a Grand Jury in the United States District Court for the Eastern District of New York has caused a subpoena to be issued for the testimony of Michael Kinsella, a Senate employee;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Michael Kinsella is authorized to testify before the grand jury in the Eastern District of New York, except as to matters for which a privilege should be asserted.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., January 30, 1991, to receive testimony on S. 244, a bill to provide for a referendum on the political status of Puerto Rico.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, January 30, 1991, at 10 a.m., for a hearing on the nomination of Lynn Martin to be Secretary of the U.S. Department of Labor.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, January 30, 1991, at 2:15 p.m. to consider the committee budget and committee rules.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 30, 1991, at 2 p.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

DEBT-FOR-NATURE EXCHANGES

• Mr. BIDEN. A recent New York Times article discussed the evolution of a promising financing mechanism for international environmental projects. Debt-for-nature swaps have grown from a theory put forth by Thomas Lovejoy to a proven means to provide long-term support for conservation projects in a number of countries. The opportunity is before us to expand dramatically the use of this mechanism. I hope that opportunity will be seized by this administration.

The groundwork for an expanded use of debt-for-nature swaps has been laid. As the New York Times article notes, over a dozen such exchanges have been completed to date, funding a variety of conservation, environmental and scientific projects.

Although the first of these swaps were completed using private funds, the concept can and has been used by governments. In 1989, Senators PELL, LUGAR, and I joined in authoring a law

to clear the way for the Agency for International Development [AID] to fund debt-for-nature exchanges. We saw the promise these types of financial exchanges held for a number of pressing local environmental concerns around the globe.

We were under no illusions that debt-for-nature swaps would have a significant impact on the foreign debt burden of participating countries, but they could make urgently needed financial support available to chronically underfunded local conservation groups.

The mechanism is a viable one, but it has been used only in a few countries where it could be helpful and it has not tapped the full range of debt that could be applied. However, as the article notes, that may be changing. The administration is becoming more open to the use of Government-held debts—food aid or economic assistance loans for example—that no one believes will be repaid in the foreseeable future.

It should also be noted that an excessive burden of foreign debts, whether commercial or Government, can result in increased stress on environmental and natural resources. The broader debt relief under consideration by the administration will help the environment directly through a trust fund and indirectly through the reduction of economic pressures to adopt expeditious but environmentally wasteful economic development strategies.

The law Senators LUGAR, PELL, and I authored was limited in its specific authorization of action. At that time, the administration was strongly against expanding debt-for-nature swaps to Government-held debt. We were told it would be impossible to do and budget-busting if it were. Both have proven to be false. I am pleased the administration has been converted to the possibilities offered by debt-for-nature swaps.

But there are other sources of funding that remain untapped. For those, we hear the same arguments that we heard about commercial debts a few years ago and food assistance debts of more recent times—it is impossible to make the swap, the negotiations and the mechanics are far too complex, and so forth. It is clear, however, that the successes of the environmental swaps to date show that the approach is viable. What has been lacking is the will and determination to make the swaps work.

Specifically, I refer to commercial debt renegotiated under the framework of the Brady plan. To date, the administration has been unwilling to support efforts to provide what we have termed "the environmental option" in those renegotiation talks.

As the 102d Congress begins its legislative activity in earnest, I intended to work in support of debt-for-nature swaps in three areas. First, to encourage AID to use its existing ability to support debt-for-nature swaps to the fullest extent possible. In that I would also include aggressive use of the authorities and directives of the Global Environmental Protection Act of 1989. Among those are efforts by AID to encourage other developing countries to propose debt-for-nature swaps and to encourage high environmental standards in the foreign aid programs of other donor countries.

Second, should the Latin American initiative be reproposed as expected, I intend to work closely with the administration and other members of the Foreign Relations Committee to develop an effective program.

Third, I will continue to support the expansion of the debt swap mechanism to other areas. Future debt renegotiations certainly appear to be a solid opportunity to support international environmental efforts.

I ask that the text of the New York Times article be printed at the conclusion of my remarks.

The article follows:

WASHINGTON OFFERS MOUNTAIN OF DEBT TO SAVE FORESTS

(By Peter Passell)

Could foreign debt be the lever that moves poor countries to save their rain forests? President Bush apparently thinks so. The White House is backing a bold program to channel billions of dollars that Latin American governments owe Washington into local conservation projects.

"Debt for nature" swaps are not new. Private groups are already busy raising cash to buy up foreign debt, trading the I.O.U.'s back to the financially troubled debtors in return for commitments to acquire parks and conserve environmental resources in eight countries.

What is new is the possible addition of vast quantities of Government money to the pot—and the prospect of a systematic, well-financed defense of tropical forests that serve as a natural sink for greenhouse gases and shelter the lion's share of the world's plant and animal species.

William Reilly, the Administrator of the Environmental Protection Agency and the program's most influential champion, believes that a successful reshuffling of some $12 billion in foreign aid loans by the United States would mobilize $100 million a year for conservation projects. The approach could also serve as a model for European and Japanese governments, which carry another $38 billion in Latin American debt.

No less important is that the plan requires the participation of local environmentalists, who have often been excluded from decision-making. John Sawhill, the head of the Nature Conservancy, an active promoter of debt-for-nature swaps, argues that the resulting public-private partnerships could tilt local interests in favor of environmental protection.

The big question now is whether Washington, preoccupied by war in the Persian Gulf and recession at home, is sufficiently committed to the swap idea to plow through the political and financial obstacles. Much depends on the Administration's flexibility in determining which Latin debtors are eligible. For its part, Congress will either have to allow some creative accounting on the debt shuffle or will have to add new foreign aid money to the budget.

Thomas Lovejoy, an ecologist now at the Smithsonian Institution, dreamed up the idea of linking foreign debt relief to the financing of environmental projects in debtor nations in 1984. At the time, crushing foreign debts had led most poor countries to cut back on environmental protection. Why not wipe out part of the debts denominated in dollars and yen for commitments to spend cruzeiros and pesos on conservation?

But it was private organizations, not governments or commercial banks, that turned theory into practice. In the very first swap in 1987, Conservation International, an American group, paid $100,000 for an uncollectible $650,000 that Bolivia owed to Citicorp. The group then agreed to wipe out Bolivia's $650,000 debt in return for its promise to protect a 3.7-million-acre buffer around the Beni Biosphere Reserve and to spend the equivalent of $250,000 in local currency to manage the reserve. Since then, 14 other debt-for-nature swaps have been carried out, reducing external debts and protecting forests in Ecuador, Costa Rica, the Philippines, Madagascar, Zambia, the Dominican Republic and Poland.

Clever financing arrangements, along with the enthusiastic cooperation of environmentally sensitive governments, have magnified the effects of the $16 million investment far beyond initial expectations. But as Mr. Sawhill of the Nature Conservancy points out, dependence on charitable donations has limited the overall impact on the global environment to "peanuts." That is why environmental groups, led by the World Wildlife Fund in Washington, worked hard to make a case for Federal intervention.

They struck pay dirt last June when Mr. Bush included debt-for-nature swaps in his "Enterprise for the Americas" initiative, a broad effort to pare debt, liberalize trade and stimulate investment in Latin America and the Caribbean. In October, Congress authorized swaps for some $1.7 billion in debts incurred in the sales of subsidized food. The President is expected to ask that the swaps be extended to loans made by the United States Agency for International Development, as well as Export-Import Bank and Commodity Credit Corporation loans originally used to subsidize United States exports.

To be eligible, debtor countries will have to pass muster on a number of criteria—what one environmental lobbyist calls the "flaming hoops." They must be actively working to make deals with their other big creditors, in particular the World Bank, the International Monetary Fund and the commercial banks. And they must open their borders to foreign investors on reasonable terms.

The carrot is substantial debt relief. The Administration is targeting a 50 percent write-off. Payments forgiven by the United States Treasury would be converted to local currencies and deposited in a national environmental fund.

The money could be used for anything from conservation training to restoration of the world's oceans and atmosphere. But outlays would be planned and supervised by boards that included private citizens nominated by the United States Government.

Many a slip is still possible. While environmental interests played a major role in passing the legislation, "different people in the Administration have different priorities," Mr. Sawhill noted.

Jamaica, Chile, Bolivia and Costa Rica all reportedly have advocates in the Administration, and will probably be the first to cut Enterprise for the Americas deals. But if the

United States takes a hard line on debt arrears or foreign investment rules, environmentally critical countries like Brazil and Peru will not qualify anytime soon.

Another worry is the host nations' receptivity. Debt-for-nature swaps on a large scale will require countries to reorder economies priorities. Unless governments cut back on other spending when they agree to spend more on the environment, the arrangement will be inflationary.

Outright rejection of swaps as an impingement on sovereignty, the position taken by Brazil's former President, José Sarney, is no longer fashionable in Latin America. Indeed, Latin American politicians seem more inclined to follow the lead of Costa Rica, which has touted debt-for-nature as a way to sustain jobs in tourism and develop agricultural techniques that will allow sustainable development.

It is still not clear, though, whether elected officials will buy the idea of independent boards, which could compete with established interests. "Will they really allow anybody outside the government to have guaranteed funding?" asked Lamond Godwin, a vice president at the American Express Bank who has served as an adviser on a number of private debt swaps.

Perhaps the most serious obstacle to swap is the issue of how they will be treated in the Federal budget. The Administration expects to arrange deals that maintain the level of payments to Washington that would otherwise be expected.

Debtor countries would come out ahead, since they would no longer need to reschedule unpaid debts each year and would be able to liquidate their debts in a reasonable time frame. But since there would be no real loss of income to Washington, the Administration contends that there ought to be no effect on budget accounting.

If, for example, a country is now paying $1 million in principle plus $4 million in interest each year on an $80 million debt, it would go on writing annual checks to the United States Treasury for $5 million. But all the $5 million would be declared repayment of principle, allowing a far faster liquidation of the debt balance. The $4 million annual interest, converted to local currency, would go into the national environment fund.

This socially redeeming sleight-of-hand does not, however, sit well with the professionals who keep the books for Congress. Some want the Treasury to treat debt reduction the way a private creditor would write off a bad loan, taking a loss in the year the deal is signed. Congress would be obliged to appropriate funds to cover the paper loss, adding to the budget deficit.

That is not a problem in principle: If debt-for-nature swaps are worth doing, the logic goes, they are worth paying for. But as a practical matter it would probably torpedo large-scale swaps. "If there is a single budget item less popular than foreign assistance," said one senior Administration official, "I'm not aware of it."

Environmental groups are nonetheless optimistic. Many of their leaders believe that Mr. Bush is committed to their cause.

Once off the ground, they believe, the initiatives will be imitated in Europe and Japan. Debt-for-nature provisions could also be routinely integrated into the rescheduling of hundreds of billions of dollars in debts owed to the World Bank and the International Monetary Fund. If the optimists are right, the only practical limit on their scale will be good ideas for making conservation compatible with economic development.●

NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

● Mr. COATS. Mr. President, today, January 30, 1991, is National Appreciation Day for Catholic Schools, and I would like to take this opportunity to recognize and applaud the hard work of teachers, administrators, and students involved in Catholic education in Indiana.

The successes of Catholic elementary and secondary schools and universities in both our country and in my State are a model for educational institutions everywhere.

This success is no accident: Catholic schools combine the exceptional motivation skills of teachers, strict discipline, interaction between parents and students, commitment to a value-based education and high academic standards which are all factors in the winning equation.

Consider just a few statistics: Eighty-three percent of Catholic high school graduates go to college. The drop-out rate in Catholic high schools is 3 percent versus a national average of 14 percent.

In national math and science achievement tests at both the elementary and secondary levels, Catholic school students outscored their public school counterparts.

Catholic schools educate children from a broad spectrum of backgrounds, including African American, Hispanic, Asian and others. Many Catholic school students—from 20 to 80 percent in certain urban areas—are not even Catholic.

The academic reputation which Catholic schools have earned is so strong that many students and their parents choose Catholic education over other options available. In the inner city, Catholic schools offer opportunities for a quality of education that many urban children might not otherwise have.

The Catholic schools' success serves not just the Catholic community but all of American society. So I again offer my congratulations to these dedicated faculty, teachers, parents, and students for their success in Catholic education, as well as my thanks for the example of hope they give to all of us.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Samual H. Poole, a member of the staff of Senator SANFORD, to participate in a program in Germany, sponsored by the American Council of Young Political Leaders [ACYPL] and the German Atlantic Society, from November 24–December 3, 1990.

The committee has determined that participation by Mr. Poole in the program in Germany, at the expense of the ACYPL and the German Atlantic Society, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. James P. Lucier, a member of the staff of the Committee on Foreign Relations, to participate in a program in Oman, jointly sponsored by the United States Government and the Government of Oman, from November 28 to December 1, 1990.

The committee has determined that participation by Dr. Lucier in the program in Oman which is partially funded by the Government of Oman, is in the interest of the Senate and the United States.●

COMMITTEE ON FINANCE RULES OF PROCEDURE

● Mr. BENTSEN. Mr. President, paragraph 2 of Senate rule XXVI requires that, not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the rules of the Committee on Finance as amended on January 23, 1991, by unanimous vote of the committee, be printed in the RECORD at this point.

The rules follow:

COMMITTEE ON FINANCE

RULES OF PROCEDURE

(Adopted January 23, 1991)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committees may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distraction or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their re-

marks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.●

DRUG AND ALCOHOL TESTING—UNFINISHED BUSINESS

● Mr. DANFORTH. Mr. President, during the 102d Congress, we must confront a number of issues that are literally matters of life and death. One of these is the continued problem of drug and alcohol abuse in the transportation industries. On January 4, we marked the fourth anniversary of the Chase, MD tragedy, which claimed 16 lives and injured 170 railroad passengers. The engineer and brakeman of the conrail locomotive that caused the crash were using drugs at the time.

Four years have passed. Some progress has been made through Department of Transportation rules requiring that transportation employees be tested for drug use only. These requirements do not go far enough. Recently, we were provided a grim reminder that transportation worker testing must cover alcohol, as well as drug use. On December 28, 1990, a Boston mass transit operator, with a blood alcohol content above 0.10 percent, crashed his trolley car into another, injuring 33 people. According to press reports, the operator initially claimed there were equipment problems with the trolley, but none was discovered. The general manager of the Massachusetts Bay Transportation Authority said, "It is clear that the operator's inability to function was the critical element * * *. There is no better argument for random drug testing than what we've seen in the last few days."

On nine occasions, in the last two Congresses, the Senate has passed legislation to require random drug and alcohol testing of critical safety employees in the transportation industries. The House has failed to meet its obligations on this issue. In the coming weeks, I will be working with Senator HOLLINGS, the chairman of the Commerce Committee, and others to see that this lifesaving legislation is enacted into law.

Mr. President, I urge my colleagues to support these efforts.●

HONORING OSHKOSH TRUCK

● Mr. KASTEN. Mr. President, the greatest weapon the United States has is the hard work and creativity of its people. Winning the war against the Iraqi dictator will be the achievement not only of our brave servicemen and women, but of all Americans who have worked to make our country No. 1 in product innovation and craftsmanship.

Today, I'd like to call the attention of this Chamber to one group of people who really stand out. The employees of Wisconsin's Oshkosh Truck Corp. have manufactured the heavy expanded mobility tactical trucks—or HEMTT—that have done such a great job under combat conditions in the Persian Gulf. Some of these trucks are rolling off the assembly line right now, and being placed on the C-5 transport aircraft that will bring them to Saudi Arabia.

Our soldiers deserve every possible advantage we can give them. Oshkosh Truck is doing its part to make their lives easier—and these hard-working Wisconsinites, led by company President R. Eugene Goodson, deserve our recognition and our praise.●

DOUBLE JEOPARDY FOR RETIRED SENIOR CITIZENS

● Mr. McCAIN. Mr. President, I am pleased to join my colleague, the Senator from Nevada, in taking steps to correct a situation of double jeopardy for many of our Nation's senior citizens. The situation to which I refer is some States' practice of taxing the retirement income of people who are not residents of those States. Twelve States now tax the pensions of people who have moved elsewhere. Furthermore, some of these States go so far as to base their tax not only on pension income, but on the total income of their former residents.

Mr. President, I come from a State that attracts retirees. One of the many reasons that people choose to spend their golden years in the State of Arizona—and I must say the list is long—is that Arizona has a relatively low rate of taxation on pension incomes. S. 267 would make sure that the nest egg of these retirees is not shattered by a practice of taxation that often comes as a surprise to them—a practice that takes a great toll on Americans who live on a fixed income. This bill would finally prohibit a State from imposing an income tax on the pension income of individuals who are no longer residents of that State.

I would suggest, Mr. President, that the status quo for many unfortunate retirees amounts to nothing less than taxation without representation, a situation that our Forefathers fought a revolution over. Clearly, this practice must end. In a time when fighting for what is right weighs heavily in the minds of all Americans, I would commend the leadership of the Senator from Nevada [Mr. REID] in righting this wrong. There is simply no justification for making these pensioners pay taxes for services they no longer receive, in States where they no longer live.

Mr. President, I am confident that this body will see fit to take steps to correct this wrongful taxation. As James Otis, an American Revolutionary statesman said, "Taxation without representation is tyranny."●

IMPLEMENTING THE CIVIL JUSTICE REFORM ACT

● Mr. BIDEN. Mr. President, on December 1, 1990, President Bush signed into law the Judicial Improvements Act of 1990. Title I is the Civil Justice Reform Act, which was praised by the President as making valuable suggestions for improving the management of the civil justice system. The act addresses the monumental problems of costs and delay in civil litigation by mandating a series of sweeping steps at the local and national level to make Federal civil litigation more affordable, more accessible, and less time consuming.

A principal feature of the act is the requirement that every district court develop and implement a civil justice expense and delay reduction plan. The district court shall do so based on the recommendations of a local advisory group. Section 478 mandates that within 90 days after the date of enactment of this chapter, the advisory group required in each United States district court shall be appointed by the chief judge of each district court, after consultation with the other judges of such court.

The function of the advisory groups is to formulate individual plans to implement the principles of the bill in each district court. The obvious importance of these groups should be reflected in the quality of their membership. It is vital for the advisory groups to be comprised of a wide range of individuals with broad experience in Federal litigation. This will help ensure that effective and fair plans are developed and implemented.

I would like to take this opportunity to bring to the attention of my colleagues two districts that have already appointed advisory groups: the Southern District of Florida, located in Miami, and the Eastern District of New York, located in Brooklyn. The extremely high quality and the wide range of expertise represented by the members of these appointed groups is exactly what I envisioned when drafting the legislation. I am impressed and encouraged by the first steps that have been taken by these two district courts to implement the Civil Justice Reform Act. I hope other district courts will use the Southern District of Florida and the Eastern District of New York as role models.

Chief Judge James Lawrence King of the Southern District of Florida has appointed the following distinguished individuals as members of his district court's advisory group: Chesterfield Smith, former president of the American Bar Association and attorney with Holland & Knight; Ana Barnett, Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A.; Randall C. Berg, Jr., executive director, Florida Justice Institute, Inc.; Richard Capen, vice president, Knight-Ridder, Inc.; Robert Coords, chief executive officer, Sun Bank; Dean Mary Doyle, University of Miami School of Law; Robert L. Dube, Dube & Wright, P.A.; Elizabeth Du Fresne, Southeast Financial Center; Alan G. Greer, Floyd Pearson Richman Greer Weil Zack & Brumbaugh, P.A.; James Jay Hogan, Hogan, Greer & Shapiro, P.A.; Robert Krawcheck, assistant county attorney; Ira J. Kurzban, Kurzban, Kurzban & Weinger, P.A.; Henry Latimer, Fine Jacobson Schwartz Nash Block & England, P.A.; Dexter Lehtinen, U.S. attorney; Edward A. Moss, Anderson, Moss, Parks & Russo, P.A.; Aaron S. Podhurst, Podhurst, Orseck Josefsberg Meadow Olin & Perwin, P.A.; Raul L. Rodriguez, AIA, Rodriguez & Quiroga; Thomas E. Scott, Steel Hector & Davis; Charlene H. Sorrentino, U.S. magistrate judge; and T.G. Cheleotis clerk of the court.

I applaud the efforts of Judge King in selecting a group that is diverse and experienced. Members of the community with intimate knowledge of the local legal system are part of this group. From trial attorneys to professors of law, from leaders in business to district court judges—all of those who use the courts will have a role to play in the implementation of the plan. That was precisely the intent of this legislation.

Chief Judge Thomas C. Platt of the Eastern District of New York has also taken a strong, positive lead in appointing his advisory group. The members include: as chairman, Edwin J. Wesely, Winthrop, Stimson, Putnam & Roberts; as deputy chair, Stephen P. Hoffman, of Pomerantz Levy Haudck Block & Grossman; Bruce Barton, District Executive of the Eastern District of New York; Robert L. Begleiter, Chief, Civil Division, U.S. Attorney's Office; Joel Berger, Senior Litigator, corporation counsel; Prof. Margaret A. Berger, Brooklyn Law School; Bertram Bronzaft, Garwin, Bronzaft Cerstein & Fisher; Raymond L. Casey; as reporter, Prof. Edward D. Cavanagh, St. John's University School of Law; Prof. Oscar G. Chase, New York University School of Law; Thomas F. Clause, Jr., Winthrop, Stimson, Putnam & Roberts; Ellen M. Coin, Graubard Mollen Horowitz Pomeranz & Shapiro; Thomas Concannon, Legal Aid Society; Jo Davis, Kaye, Scholer, Fierman & Hays; Hon. Sandra J. Feuerstein, district court judge; Barbara Flicker, director, Institution of Judicial Administration, New York University School of Law; Cherie A. Gaines, executive director, Bedford Stuyvesant Community Legal Services Corp.; Thomas L. Genovese, vice president and general counsel, Grumman Corp.; John C. Gray, Jr., project director, Brooklyn Legal Services Corp.; Robert C. Heinemann, clerk of the court, Eastern District of New York; Peter Herbert, Cowan, Liebowitz & Latman, P.C.; Stephen Hochhauser, Bertine, Hufnagel, Headley & Zeltner; George F. Hritz, Davis, Markel & Edwards; Prof. Beryl R. Jones, Brooklyn Law School; V. Anthony Maggipinto; Peter Reilly, Jr.; Paul D. Rheingold, Rheingold & McGowan; Sol Schreiber, Milberg, Weiss, Bershad, Specthrie & Lerach; Ann Shields, Skadden, Arps, Slate, Meagher & Flom; and Guy Miller Struve, Davis Polk & Wardwell.

These individuals fairly represent the wide spectrum of interests involved in civil litigation in the Eastern District of New York. There is no doubt that they can provide a fair and thorough assessment of how best to develop a civil justice expense and delay reduction plan for their district court.

Mr. President, I am greatly encouraged by the constructive steps taken by Chief Judge King and Chief Judge Platt. I look forward to following the implementation of the Civil Justice Reform Act in their districts. I also eagerly anticipate learning about other districts who have appointed the members of their advisory groups. This initial step in implementing the law is critical to the success of civil justice reform. While these are but two districts and this is but one step, what I have seen thus far in these two courts is encouraging and exciting. I commend the members of the Southern District of Florida and the Eastern District of New York, and the leadership exercised by Chief Judge King and Chief Judge Platt.●

THE 1990 YEAR-END REPORT OF THE FEDERAL JUDICIARY

● Mr. PRYOR. Mr. President, each year the Chief Justice of the Supreme Court issues an annual report on the state of the Federal judiciary. I have always found this report very informative and I share it with the legal community throughout my State.

Chief Justice Rehnquist provided the latest installment of this useful report and I ask that the text of this report for 1990 follow my remarks. I commend this report to my colleagues.

The text of the report follows:

THE 1990 YEAR-END REPORT OF THE FEDERAL JUDICIARY

(By William H. Rehnquist, Chief Justice of the United States)

STATE OF THE JUDICIARY

A theme of the judicial activities of 1990 has been that of the collaboration of efforts and ideas among the three Branches and among various segments of the national and international judiciary. The year has seen joint meetings and conferences at which representatives of the three Branches, representatives of the various levels of federal and state judiciaries, and even representatives of the judicial systems of other countries have combined their energies to seek creative solutions to problems of mutual concern.

The business of the federal courts continued to multiply during 1990, fueled by drug cases and an ever-rising tide of personal bankruptcies. Criminal case filings in the district courts rose 6 percent to nearly 49,000, doubling the growth recorded last year and marking the tenth consecutive increase in filings. New drug filings were up 6 percent, while filings for violations of weapons and immigration laws climbed more than 23 percent each as the Immigration and Naturalization Service and the Bureau of Alcohol, Tobacco and Firearms used their expanded resources to attack drug networks.

Drug cases were also a factor in the 3 percent rise in the caseload of the courts of appeals, which reached nearly 41,000 filings this year. Appeals of drug cases increased 29 percent and accounted for 60 percent of all criminal appeals filed this year. Appeals of sentences imposed under the sentencing guidelines added 1,750 cases to the criminal appeals workload in 1990.

Bankruptcy petitions filed in the courts during 1990 rose to 725,000, as personal bankruptcies rose 14 percent. Business bankruptcies also grew this year by 3 percent to 64,700. Despite a 7 percent rise in the number of cases closed this year, the number of bankruptcy cases pending in the courts rose to 975,000.

Filings of civil non-bankruptcy cases in the district courts fell 7 percent this year to below 218,000. This is due in part to downward trends in filings by the United States to collect overpayments of benefits and filings against the United States for denials of social security claims. The increase from $10,000 to $50,000 in the amount required for federal jurisdiction in diversity of citizenship cases was in effect for its first full year in 1990. This change helped to reduce diversity filings by 15 percent from 67,000 last year to 57,000 this year. The change in diversity jurisdiction had no impact on the level of asbestos personal injury case filings, which rose 66 percent in 1990 to 13,500. By year's end, the number of civil cases pending three years or more had passed 25,000, with asbestos claims accounting for 30 percent of these cases. In an effort to give this issue the priority it deserves, I have named a special Ad Hoc Committee on Asbestos Litigation of the Judicial Conference and asked the members for recommendations for handling the complex problems of case management in this area.

The total number of cases pending in the district courts (excluding bankruptcy cases) reached a new record of nearly 278,000 by year's end, while pending appeals topped 32,000, also a record high. But for the service of our dedicated senior judge corps, these numbers would have been even higher. Senior judges accounted for nearly 13 percent of case dispositions in the district courts in 1990, including 3,049 trials. They also provided 9 percent of the total case participations in appeals terminated during the past year.

IN APPRECIATION

Two retirements of special significance occurred this year. In July, after almost 34

years of distinguished service as an Associate Justice, William J. Brennan, Jr. announced his retirement. An honors graduate of the Wharton School of Finance and Commerce and the Harvard Law School, William Brennan was appointed to the Court by President Dwight D. Eisenhower to fill the seat vacated by Justice Sherman Minton. His period of service is one that has been exceeded by only five other members of the Court. His profound influence on American constitutional law is measured not only by his many years on the bench but also by the numerous no-table opinions he authored during that time. With his combination of personal warmth and keen intelligence, Justice Brennan has enriched the lives of all those who have had the pleasure of working with him.

Judge John C. Godbold retired in March as Director of the Federal Judicial Center and has returned to his responsibilities at the Eleventh Circuit Court of Appeals. Judge Godbold was formerly Chief Judge of both the U.S. Court of Appeals for the Eleventh Circuit and the U.S. Court of Appeals for the Fifth Circuit. He brought a special dedication to the work of the Center and his enthusiasm will be missed by all.

IN MEMORIAM

On October 15, 1990, the Bar of the Supreme Court of the United States met to honor the memory of Arthur J. Goldberg, who died on January 19, 1990. Justice Goldberg served as an Associate Justice on the Court from October, 1962 through July, 1965. Arthur Goldberg also held the positions of Secretary of Labor and United States Ambassador to the United Nations. Our country is fortunate to have been served by a man of his remarkable combination of intellectual ability and willingness to hold public office.

1990 HIGHLIGHTS

I. The Supreme Court of the United States

Investiture of Justice Souter

Justice Brennan's seat on the Court was filled by David H. Souter, who served for seven years as an Associate Justice of the Supreme Court of New Hampshire and who also sat briefly on the Court of Appeals for the First Circuit prior to his nomination as Justice of the Supreme Court of the United States. Justice Souter took the Constitutional Oath at the White House on Monday, October 8, 1990. The investiture ceremony at which the Judicial Oath was administered to Justice Souter took place at the Court on October 9, 1990.

Developments

Project Hermes—In June, the Supreme Court initiated Project Hermes, a two-year pilot program to determine the feasibility of the electronic transmission of Court opinions. Project Hermes was initiated in response to requests from the press and legal publishers for access to the Court's opinions in electronic form. The computer hardware, software, and technical assistance for Project Hermes are provided by the Supreme Court Opinion Network (SCON), a not-for-profit consortium of 30 legal, media, and publishing organizations organized under the aegis of the American Bar Association. As soon as Court opinions are announced from the bench they are transmitted to Hermes' subscribers (currently 13 in number) who in turn distribute the information nationwide on a variety of computer networks. Hermes' first transmission was conducted on June 18, 1990, when four opinions, totalling 107 pages, were transmitted in approximately 22 minutes. The Court, through its Public Information Office, will also continue to distribute paper copies of the opinions.

Rules—Revised Rules of the Supreme Court of the United States were adopted December 5, 1989 and became effective January 1, 1990. Among other things, the new Rules contain important changes relating to written filings and in forma pauperis cases. The new Rules also reflect the Court's practice of one continuous annual term, thus eliminating the need for "special terms" as contemplated by the previous Rules.

Caseload—In the October Term 1989, 4,918 cases were docketed in the Supreme Court. This represents an increase of more than 100 cases over the number docketed in the October Term 1988. The Court decided 146 cases during the October Term 1989.

Bar admissions—During the October Term 1989, 3,898 attorneys were admitted to the Bar of the Supreme Court of the United States, an increase of over 100 admissions from the October Term 1988.

Bicentennial of the Judicial Branch

Ceremonies in the early months of 1990 marked the 200th anniversary of the creation of the federal Judiciary. On January 16, 1990, the Supreme Court conducted a special sitting commemorating the Bicentennial of its first session on February 2, 1790 in New York City. On February 2, 1990, the Bicentennial of the Judicial Branch was marked at the Court in a first-day-of-issue ceremony dedicating a 25-cent U.S. postage stamp honoring Chief Justice John Marshall. The stamp was fourth in a series marking the bicentennials of the Presidency, the two houses of Congress, and the federal courts.

II. Federal Judicial Center

William W. Schwarzer, United States District Judge of the Northern District of California, succeeded Judge John Godbold as Director of the Federal Judicial Center. Judge Schwarzer comes to the Center with 14 years of experience in the federal judiciary; he is the sixth Director of the Center since its establishment by Congress in 1967.

Constant throughout the Center's existence has been its role in stimulating the "revolution" in judicial management of litigation that the Federal Courts Study Committee recognized in its 1990 Report. Through its educational programs for both newly appointed and experienced federal judges, the Center has introduced the federal bench to such essential and now well-established management techniques as the individual assignment calendar and the setting of firm dates for cutoff of discovery and for trial. Federal Judicial Center programs have also enhanced the ability of court support staff and other judicial branch personnel to keep pace with increasing caseloads. In FY '90, nearly 400 newly appointed probation and pretrial services officers, organized into ten separate classes, each received two weeks of training to orient them to their investigative and supervisory responsibilities.

III. Administrative Office of the U.S. Courts

1990 has also been a year in which the Administrative Office of the U.S. Courts and the Federal Judicial Center have undertaken many new and expanding programs that will greatly enhance their abilities to support the Federal court system. There are several new comprehensive administrative operations designed to examine the state of services in the areas of automation, financial management, personnel, procurement, security, space management, and statistical reporting. As a result of the Administrative Office of the United States Courts Personnel Act of 1990, the Administrative Office will have the statutory framework to enable it to do a number of things it has been hoping to do for several years and which will strengthen its ability to respond to the growing needs of the Federal Judiciary.

On April 4, 1990, a groundbreaking ceremony was held at the site of the new Judiciary Office Building, which will house the Administrative Office of the U.S. Courts, the Federal Judicial Center, the U.S. Sentencing Commission, and the Panel on Multidistrict Litigation. The building, which is located adjacent to Union Station, is expected to be completed by Fall, 1992

IV. Conferences and Committees

The Judicial Conference of the United States held sessions at the Supreme Court on March 13, 1990 and September 12, 1990. Highlights of the March meeting include the approval with modifications of the report of the Ad Hoc Committee on Federal Habeas Corpus in Capital Cases and the approval of a fee schedule for a pilot project involving electronic access to court information. At the September meeting the Conference authorized a three-year controlled experiment to allow news media cameras in selected appellate and district courtrooms. At this meeting the Conference also approved significant amendments to the Rules of Civil Procedure which were then forwarded to the Supreme Court with the recommendation that they be approved and set to Congress by May 1, 1991.

Federal courts study committee

In November, 1988, the 100th Congress created within the Judicial Conference of the United States a 15-member committee that was charged with examining problems and issues currently facing federal courts, developing a long-range plan for the future of the federal judiciary, and transmitting a report of their findings. This report was issued on April 2, 1990.

I commend the Committee and its chairman, Judge Joseph F. Weis, Jr. of the Court of Appeals for the Third Circuit, for their efforts, which resulted in a thoughtful discourse on the issues facing the federal courts and concluded with over one hundred recommendations for change. Many of the Committee's proposals have already been implemented either legislatively or through administrative action of the Judicial Conference. These changes will have an immediate and observable beneficial impact on judicial operations. Next year will bring the opportunity to pursue additional proposals. Once again I would urge some modification be made in the area of diversity jurisdiction. Adopting even the very modest recommendation of the FCSC—raising the jurisdictional amount to $75,000 and indexing that figure—would result in substantial benefit to the federal system without noticeable impact on the state courts or harm to litigants' rights.

Conferences

The year saw two important conferences at which judges from differing jurisdictions met to exchange ideas about judicial administration and to explore areas of mutual interest. On September 10, 1990, a joint meeting was held by the Conference of Chief Judges and the Judicial Conference of the United States. Activities at this joint meeting include the inauguration of the National Federal-State Judicial Council (as had been suggested by the Federal Courts Study Committee). The Council is charged with the continuing examination of the relationship between the state and federal judicial systems.

On September 11, 1990, the Opening Ceremonies of the Fifth International Appellate

Judges Conference were held at the Supreme Court. Delegations of appellate judges from approximately 100 countries attended this Conference, which was organized by a special committee chaired by Judge Cynthia Holcomb Hall of the Court of Appeals for the Ninth Circuit with the able assistance of the Judicial Conference of the United States Committee on the Bicentennial of the Constitution, chaired by Judge Damon J. Keith of the Court of Appeals for the Sixth Circuit.

V. Legislative Activities

In my year-end statement last year, I made a special plea for Congress to consider the addition of sufficient judicial resources to meet the caseload burden on the courts. I also commended the Congress for their understanding and support of the funding needs of the courts. The actions of Congress over the past year on our judicial manpower and fiscal resource requirements have substantially responded to our requests.

New judgeships

Senator Joseph Biden and Representative Jack Brooks, the respective chairmen of the Senate and House Judiciary Committees, played key leadership roles in developing and processing an omnibus judgeship bill that will add 85 new Article III judgeships to the federal system. These 85 positions include 74 district judgeships and 11 judgeships at the appellate level. In addition, eight temporary judgeships were given permanent status. The Judiciary was desperately in need of additional judgepower. The circuits and districts with the greatest needs have been accommodated through enactment of the Omnibus Judgeship Act. We appreciate the bipartisan leadership and commonality of purpose in Congress that brought about the passage of this legislation.

Civil justice reform

The Civil Justice Reform Act of 1990 is designed to address delays and cost in civil litigation. The act requires expense and delay reduction plans for all federal district courts. Ten specified districts are required to include in their plans the principles of litigation management that are contained in the bill, as part of a three-year pilot program.

Federal courts study committee recommendations

Several recommendations of the Federal Courts Study Committee were implemented through Title III of H.R. 5316, including a requirement that the Federal Judicial Center study the number and frequency of unresolved intercircuit conflicts.

Judicial conduct

Title IV of H.R. 5316, the "Judicial Discipline and Removal Reform Act of 1990," creates a National Commission on Judicial Impeachment to examine problems of judicial discipline and impeachment and allows the Judicial Conference to transmit to Congress a statement that "impeachment may be warranted" in the case of a judge who has been convicted of a felony and has exhausted all direct appeals.

Crime bill

In final negotiations all federal habeas corpus reform provisions were dropped from the 1990 crime bill, leaving this important issue in essentially the same posture as existed prior to the extensive study undertaken by the Judicial Conference Ad Hoc Committee on Federal Habeas Corpus in Capital Cases. I hope that the next Congress will once again give serious attention to badly needed reforms in this area, with a view to assuring counsel to capital defendants, and assuring to the states the necessary degree of finality, in federal habeas proceedings.

Budget

We appreciate the continued Congressional understanding of the fiscal needs of the courts. Our budget for FY 91 will exceed $2 billion for the first time in history. This increase has been necessitated by the demands of handling cases of increasing complexity and by an expansion of the nonadjudicative duties that are either assigned to the courts or required for their operation. In addition to the traditional judicial functions (which resulted in the closing of approximately 1.3 million cases), the courts oversee a vast spectrum of programs ranging from pretrial services, to drug aftercare, to the development, installation, training and monitoring of the new and enhanced court automation system. With our overall caseload continuing to multiply, the Judiciary will be facing a continued need for expansion of our budget.

Administrative office personnel bill

As noted above, Congress this year authorized the Administrative Office of the U.S. Courts to set up a comprehensive, self-contained personnel system which will make it easier to hire court staff as well as to streamline and simplify the rest of its personnel system.

Judicial compensation

The pay increase for judges authorized by the Ethics Reform Act of 1989 became effective on January 1, 1991. Adoption of this increase averted a crisis in the Judiciary by fairly addressing what had been one of the most important issues affecting our Branch in the late 80's.

CONCLUSION—CHALLENGES

The challenges of the last decade of this century are daunting. But with the groundwork laid in 1990 for the enhanced administration of justice—coupled with a corps of remarkably dedicated and capable judicial officers—we can meet those challenges.•

RESTORING CONFIDENCE IN POLITICS

• Mr. SIMON. Mr. President, one of the brightest and most promising young State legislators in the Nation is Minnesota State Senator John Marty.

He wrote an article for a Minneapolis publication called the Metro Lutheran, which talked about the need for restoring confidence in politics and the problems that we face.

It contains nothing startlingly new, but it is the common sense that we ought to all be paying attention to.

I ask to insert his comments in the RECORD at this point.

The comments follow:

RESTORING CONFIDENCE IN POLITICS

(By John Marty)

During a campaign, a candidate hears a lot of what is on voters' minds. Having just come through an intense campaign, I had the chance to talk with thousands of people. What concerns me about those conversations is not that people were critical of government, but that so many were cynical about politicians and politics.

A democracy can exist, even thrive, when people are critical of their government. Criticism suggests an interest, the hope for something better, the willingness to be involved. But a democracy is in trouble when people move from criticism to cynicism. The latter suggests a loss of interest, a lack of hope, an unwillingness to be involved because "all politicians are crooks."

There seems to be a growth in cynicism. Why is that? Partly, it's because many politicians make cynical promises. Notice, in the campaign literature, how many candidates promise both to cut taxes and to spend more for education, the environment, health care, fighting crime, etc., while making sure the budget is balanced!

Desperate candidates make last-minute smears, accusing the opponent of greed and stupidity, if not dishonesty and corruption. In the last election, supporters of a local candidate in my area waited until just four days before the election before mailing a brochure injecting new, serious charges about the opponent. There was, of course, no time for the other candidate to respond effectively.

While politicians deserve much of the blame for growing cynicism, others have responsibility as well. The news media and the public have been far too easy on candidates who distort facts and smear opponents. Much of the public and the media have been unwilling to demand that candidates spell out their stands on the issues, and unwilling to read those positions when candidates take the time to do so.

Are things that bad? Let's look at the bright side.

While almost half the eligible voters in Minnesota stayed home, turnout was significantly higher than expected. A number of candidates who talked openly and honestly about the issues did get elected—in some cases pulling off upsets.

Much of the public's disenchantment was not with the political system as a whole, but with the negative advertising, the special-interest money, and the lack of substance in the campaign. Citizens are becoming more aware of the problems with our electoral system and beginning to demand change.

What can we do? I believe firmly that if politicians appeal to the good in people, they respond in a positive way. If we appeal to greed and cynicism, the public responds by turning away from participation.

Each of us—candidates, the media, and the public—has a responsibility to raise the level of political discussion and debate.•

• Mr. AKAKA. Mr. President, over the past few weeks I have watched with growing alarm the continued erosion of freedom now taking place in the Baltic States. Apparently the Soviet leadership has found it more expedient to check the growth of these evolving democratic governments through violence and denial of civil liberties than through peaceful negotiations.

We in Congress can only view the unprovoked armed attacks in the Baltic States as attempts by the Soviet Government to subvert the democratic process now growing in these republics.

I am also concerned that President Gorbachev may view the use of force as the only alternative to resolving his differences with the Baltic States and the other republics.

I was therefore pleased to join my colleagues on January 24, 1991, to support Senate Joint Resolution 6, which condemned the Soviet Union's violent crackdown in the Baltic States and called on President Bush to consider

economic sanctions if the Soviet Government continues to use military force in the region. That this measure was unanimously adopted in both the House and the Senate sends a strong message to the Soviet Union that United States-Soviet relations could suffer if aggression continues in the Baltic countries.

Fortunately, we are now seeing a possible shift in Soviet policy and I am pleased that President Bush and Secretary of State Baker have made clear our concerns to Soviet Foreign Minister Bessmertnykh.

However, it is important that our Government continues to let the Soviet Union know that the use of force to suppress reform seriously jeopardizes the cooperative and expanding relationship between our two countries. Equally important is the need to conclude far-reaching disarmament talks and bilateral economic discussions which are threatened by Soviet action in the Baltic region.

We have a responsibility to the people of the Baltic republics and to the people of the Soviet Union. We must make it clear to President Gorbachev and the Soviet leadership that the will of the people of the Baltic States and in the other republics must be respected. The Soviet Government must remain firmly committed to the process of political and economic reform.

If the Soviet Union persists in its use of military action rather than working cooperatively and peacefully with the republics, then I believe that we have no other alternative but to support economic sanctions and other strong measures against the Soviet Union. Obviously, I would see such action as a major setback in the progress we have made in United States-Soviet relations in recent years.

I call on President Gorbachev to end the hostilities in the Baltic States immediately and restore those civil liberties so recently won by the Soviet people. Let there be no misunderstanding that the United States wants the Soviet leadership to renew and invigorate its commitment to reform by seeking peaceful resolutions to differences with the people of the Baltic States and other republics.

What is at stake is the future course of our relationship with the Soviet Union and the destiny of her citizens.●

THE SHAME OF HUNGER

● Mr. SIMON. Mr. President, I recently received a copy of WHY magazine, the title coming from World Hunger Year published in New York City.

The publication reprinted the keynote address given by Elie Wiesel at the Fourth Annual Alan Shawn Feinstein World Hunger Awards ceremony at Brown University.

He speaks of "the shame of hunger" and he observes that the only disease or catastrophe that the prophets of old use the word shame with is "the shame of hunger," citing the prophet Ezekiel.

Elie Weisel has stimulated people all over the world. We are proud to have him as a U.S. citizen today. He has won the Nobel Peace Prize and is a survivor of the Holocaust.

I urge my colleagues to read his statement, and I ask to insert the article in the RECORD at this point.

The article follows:

THE SHAME OF HUNGER

(This was the keynote address at the presentation of the Fourth Annual Alan Shawn Feinstein World Hunger Awards at Brown University, April 5, 1990.)

I have been obsessed with the idea of hunger for years and years because I have seen what hunger can do to human beings. It is the easiest way for a tormenter to dehumanize another human being. When I think of hunger, I see images: emaciated bodies, swollen bellies, long bony arms pleading for mercy, motionless skeletons. How can one look at these images without losing sleep?

And eyes, my God, eyes. Eyes that pierce your consciousness and tear your heart. How can one run away from those eyes? The eyes of a mother who carries her dead child in her arms, not knowing where to go, or where to stop. At one moment you think that she would keep on going, going, going—to the end of the world. Except she wouldn't go very far, for the end of the world, for her, is there. Or the eyes of the old grandfather, who probably wonders where creation had gone wrong, and whether it was all worthwhile to create a family, to have faith in the future, to transmit misery from generation to generation, whether it was worth it to wager on humankind.

And then, the eyes of all eyes—the eyes of children—so dark, so immense, so deep, so focused and yet at the same time, so wide and so vague. What do they see? What do hungry children's eyes see? Death? Nothingness? God? And what if they saw us, all of us, in our complacency if not complicity? And what if their eyes are the eyes of our judges?

Hunger and death, death and starvation, starvation and shame. Poor men and women who yesterday were proud members of their tribes, bearers of ancient culture and lore, and who are now wandering among corpses. What is so horrifying in hunger is that it makes the individual death an anonymous death. In times of hunger, the individual death has lost its uniqueness. Scores of hungry people die daily, and those who mourn for them will die the next day, and the others will have no strength left to mourn.

Hunger in ancient times represented the ultimate malediction to society. Rich and poor, young and old, kings and servants, lived in fear of drought. They joined the priests in prayer for rain. Rain meant harvest, harvest meant food, food meant life, just as lack of food meant death. It still does.

Hunger and humiliation. A hungry person experiences an overwhelming feeling of shame. All desires, all aspirations, all dreams lose their lofty qualities and relate to food alone. I may testify to something that I have witnessed, in certain places at certain times—those people who were reduced by hunger, diminished by hunger, they did not think about theology, nor did they think about God or philosophy or literature. They thought of a piece of bread. A piece of bread was, to them, God, because a piece of bread then filled one's universe. Diminished by hunger, man's spirit is diminished as well. His fantasy wanders in quest of bread. His prayer rises toward a bowl of milk.

Thus the shame.

In Hebrew, the word hunger is linked to shame. The prophet Ezekiel speaks about "Kherpat raav"—the shame of hunger. Of all the diseases, of all the natural diseases and catastrophes, the only one that is linked to shame in Scripture is hunger—the shame of hunger. Shame is associated neither with sickness nor even with death, only with hunger. For man can live with pain, but no man ought to endure hunger.

Hunger means torture, the worst kind of torture. The hungry person is tortured by more than one sadist alone. He or she is tortured, every minute, by all men, by all women. And by all the elements surrounding him or her. The wind. The sun. The stars. By the rustling of trees and the silence of night. The minutes that pass so slowly, so slowly. Can you image time, can you imagine time, when you are hungry?

And to condone hunger means to accept torture, someone else's torture.

Hunger is isolating; it may not and cannot be experienced vicariously. He who never felt hunger can never know its real effects, both tangible and intangible. Hunger defies imagination; it even defies memory. Hunger is felt only in the present.

There is a story about the great French-Jewish composer Daniel Halevy who met a poor poet: "Is it true," he asked, "that you endured hunger in your youth?" "Yes," said the poet. "I envy you," said the composer. "I never felt hunger."

And Gaston Bachelard, the famous philosopher, voiced his view on the matter, saying, "My prayer to heaven is not, "Oh God, give us our daily bread, but give us our daily hunger."

I don't find these anecdotes funny. These anecdotes were told about and by people who were not hungry. There is no romanticism in hunger, there is no beauty in hunger, no creativity in hunger. There is no inspiration in hunger. Only shame. And solitude. Hunger creates its own prison walls; it is impossible to demolish them, to avoid them, to ignore them.

Thus, if hunger inspires anything at all, it is, and must be, only the war against hunger.

Hunger is not a matter of choice. Of course, you may say, but what about the hunger striker? Haven't they chosen to deprive themselves of nourishment, aren't they hungry? Yes, but not the same way. First, they alone suffer, those around them do not. Second, they are given the possibility to stop any time they so choose, any time they win, any time their cause is attained. Not so the people in Africa. Not so the people in Asia. Their hunger is irrevocable. And last, hunger strikers confer a meaning, a purpose, upon their ordeal. Not so the victims in Ethiopia or Sudan. Their hunger is senseless. And implacable.

The worst stage in hunger is to see its reflection in one's brother, one's father, one's child. Hunger renders powerless those who suffer its consequences. Can you imagine a mother unable, helpless, to alleviate her child's agony? There is the abyss in shame. There, suffering and hunger and shame multiply.

In times of hunger, family relations break down. The father is impotent, his authority gone, the mother is desperate, and the children—the children, under the weight of accumulated suffering and hunger, grow older and older, and soon, they will be older than their grandparents.

But then, on the other hand, perhaps of all of the woes that threaten and plague the human condition, hunger alone can be curtailed, attenuated, appeased, and ultimately vanquished—not by destiny, nor by the heavens, but by human beings. We cannot fight earthquakes, but we can fight hunger. Hence our responsibility for its victims. Responsibility is the key word. Our tradition emphasizes the question, rather than the answer. For there is a "quest" in question, but there is "response" in responsibility. And this responsibility is what makes us human, or the lack of it, inhuman.

Hunger differs from other cataclysms such as floods in that it can be prevented or stopped so easily. One gesture of generosity, one act of humanity, may put an end to it, at least for one person. A piece of bread, a bowl of rice or soup makes a difference. And I wonder, what would happen, just imagine, what would happen, if every nation, every industrialized or non-industrialized nation, would simply decide to sell one aircraft, and for the money, feed the hungry. Why shouldn't they? Why shouldn't the next economic summit, which includes the wealthiest, most powerful, the richest nations in the world, why shouldn't they decide that since there are so many aircrafts—why shouldn't they say, "Let's sell just one, just one, to take care of the shame and the hunger and the suffering of millions of people."

So the prophet's expression, "the shame of hunger," must be understood differently. When we speak of our responsibility for the hungry, we must go to the next step and say that the expression "shame of hunger" does not apply to the hungry. It applies to those who refuse to help the hungry. Shame on those who could feed the hungry, but are too busy to do so.

Millions of human beings constantly are threatened in Africa and Asia, and even in our own country—the homeless and the hungry. Many are going to die of starvation, and it will be our fault. For we could save them, and if we do not, we had better have a good reason why we don't.

If we could airlift food and sustenance and toothpaste to Berlin in 1948, surely we could do as much for all the countries—Ethiopia and Sudan and Mozambique and Bangladesh, in the year 1990. Nations capable of sending and retrieving vehicles in space must be able to save human lives on earth.

Let our country, and then other countries, see in hunger an emergency that must be dealt with RIGHT NOW. Others, our allies, will follow. Private relief often has been mobilized in the past—Jews and Christians, Moslems and Buddhists have responded to dramatic appeals from the African desert. One of my most rewarding moments was when I went to the Cambodian border 10 years ago and saw there the misery, the weakness, the despair, the resignation, of the victims.

But I also saw the extraordinary international community motivated by global solidarity to help them. And who were they? They represented humankind at its best: there were Jews and Christians and Moslems and Buddhists from all over the world. And if ever I felt proud of the human condition, it was then. It is possible to help, but private help is insufficient. Government-organized help is required; only governments can really help solve this tragedy that has cosmic repercussions.

We must save the victims of hunger simply because they CAN be saved. We look therefore at the horror-filled pictures, when we dare to look, day after day. And I cannot help but remember those who had surrounded us elsewhere, years and years ago. Oh, I do not wish to make comparisons. I never do. But I do have the right to invoke the past, not as a point of analogy, but as a term of reference. I refuse to draw analogies with the Jewish tragedy during the era of darkness; I still believe and will always believe that no event ought to be compared to that event. But I do believe that human tragedies, all human tragedies, are and must be related to it. In other words, it is because one people has been singled out for extinction that others were marked for slavery. It is because entire communities were wiped out then that others were condemned to die later in other parts of the planet. All events are intertwined.

And it is because we have known hunger that we now must eliminate hunger. It is because we have been subjected to shame that we must now oppose shame. It is because we have witnessed humanity at its worst that we now must appeal to humanity at its best.●

LEGISLATION AFFECTING SENIOR CITIZENS

● Mr. GORTON. Mr. President, I rise to speak in support of two pieces of legislation designed to aid our senior citizens which I have cosponsored in recent days. The first piece of legislation will gradually remove the earnings test for outside income placed on Social Security recipients. The second bill is a positive response by the Federal Government which seeks to reinforce the ability of our senior population to live anywhere they want without penalty.

Mr. President, the Fairness for Older Workers Act which has been introduced by the distinguished minority leader, Senator DOLE, will gradually free our senior citizens to earn as much outside income as possible without reducing their Social Security benefits.

Our Government's policies should not penalize a large, able, and experienced part of America if they want to work. I have seen one analysis of the current law which shows how a senior who could earn up to $9,720 without reduction in Social Security benefits would end up actually receiving only 34 cents of each additional dollar they earn due to the combination of taxes and the corresponding reduction in Social Security benefits.

I look forward to the day when our seniors can easily and straightforwardly decide whether continued or additional work makes more sense for them without having to calculate the corresponding deduction in Social Security. Extra initiative should be rewarded, Mr. President, not penalized by Government restrictions.

Also, Mr. President, I have joined as an original cosponsor of legislation which will be introduced by Senator REID and Senator BRYAN of Nevada. This legislation will rightly prohibit the imposition of taxes upon retirees pensions and income by a State in which the retirees no longer reside.

Many residents of Washington's retirement communities have been writing to me, and I have been listening. Residents of Washington cities such as Sequim, Edmonds, and Spokane, all have expressed their frustration at being taxed by a State in which they no longer reside nor can benefit from the services which their taxes go to support.

This tax represents not only taxation without representation, this tax represents a further drain on already limited and fixed incomes. I am happy to join the Senators from Nevada in remedying this grossly unfair taxation and help all of America's senior citizens.

I urge all of my colleagues to support both the distinguished minority leader's and Senators REID and BRYAN's efforts to aid and improve the lives of our seniors.●

S. 257, THE BRADY "WAITING PERIOD" BILL

● Mr. CHAFEE. Mr. President, 1 week ago today I joined with my colleagues in reintroducing the Brady Handgun Violence Prevention Act. It is a bill whose time is long overdue, and I believe that it will achieve success in this Congress.

At the close of 1990, we were inundated with reports about the record-breaking homicide rates in nearly every major city across the country. As we all know too well, the homicide rate in our Nation is far higher than virtually every other modern industrialized country. Homicide is one of the 15 most frequent causes of death for all Americans. In 1987, 7,800 Americans were murdered by handguns; in 1988, over 8,000 Americans were killed—a terrible human waste. In my home State of Rhode Island, the number of homicides has increased by one-third in the past 5 years, and today guns are used in nearly half—46 percent—of all homicides in Rhode Island.

The tragic element is that many of these deaths might have been prevented. Many crimes are committed on impulse, by persons under the influence of drugs. In 1988, the Bureau of Justice Statistics reported that 2 out of 5 offenders said that they were under the influence of drugs or were very drunk around the time of the offense; according to the Bureau's survey, 35 percent of the homicides were committed by inmates under the influence of drugs or alcohol. Many of these offenses were committed with handguns. A waiting period could help give potential criminals time to cool off and count to 10.

In addition, some individuals unfortunately buy guns when they are feeling extremely depressed. Each year in this country there are at least 12,000 handgun suicides. For those between the ages of 15 and 34, suicide is the third leading killer, right behind homicide. This bill means that those con-

templating suicide would have to wait before committing a final rash act, using an all too accessible weapon.

Certainly the causes of crime are complex. I welcome this measure, because in the face of such uncertainty, it offers some proven effectiveness. Across the Nation, in those States and cities where waiting periods are required, thousands of felons have been prevented from purchasing guns. That is why law enforcement officials support the imposition of a waiting period overwhelmingly as an effective step in preventing violent crime and suicides.

Simply put, this bill makes sense. It is a reasonable effort to ensure that felons may not purchase handguns. A week of waiting is no sacrifice compared to the grief of people who have had a loved one shot dead.

I commend Jim and Sarah Brady, and members of the police, health, and childrens communities, for their tireless work on this measure. Largely due to their efforts, this bill is receiving national attention, and national support. It is time for Congress to act.●

PRIVATE RETIREMENT INCENTIVES

● Mr. GORTON. Mr. President, I rise today to express my support for a piece of legislation which I believe is long overdue. I have joined as an original cosponsor of the legislation which will be introduced by Senator PACKWOOD designed to create a simplified retirement system for small employers and their employees.

The Private, Retirement Incentives Matched by Employers or [PRIME] accounts, will enable small employers to provide to their employees the same benefits offered by larger employers. These PRIME accounts will provide the best of IRA's and 401(k) plans to small employers and their employees.

Mr. President, I support this legislation because the PRIME accounts created by this legislation will help small business attract and retain the best and the brightest America has to offer. I believe that employees of our small businesses should not have to worry about their retirement years just because their employer is too small to create a retirement plan under a complicated and burdensome system designed for larger employers.

With small business employing more than half of all people in the United States, and by many estimates providing the sources of much of the creativity in our businesses, such a system of retirement planning should have been provided these employers long ago. Consequently, I believe it is in the interests of the smaller employers, their employees, and our country that such a retirement alternative be made available.

I urge all of my colleagues to join me and the distinguished Senator from Oregon [Mr. PACKWOOD] in providing the alternative retirement system for small employers.●

AUTHORIZING TESTIMONY OF SENATE STAFF MEMBER

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution to authorize the testimony of a Senate staff member and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 23) to authorize Michael Kinsella to testify before a grand jury.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, this resolution would authorize Michael Kinsella, a Senate employee, to testify before a Federal grand jury in the Eastern District of New York in response to a subpoena for his testimony. The resolution authorizes Mr. Kinsella to testify as to all matters except those for which a privilege should be asserted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 23) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 23

Whereas a grand jury in the United States District Court for the Eastern District of New York has caused a subpoena to be issued for the testimony of Michael Kinsella, a Senate employee;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that the testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Michael Kinsella is authorized to testify before the grand jury in the Eastern District of New York, except as to matters for which a privilege should be asserted.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILLS DISCHARGED FROM LABOR COMMITTEE AND REFERRED TO AGRICULTURE COMMITTEE

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 223 and S. 224 be discharged, en bloc, from the Labor Committee where they were erroneously referred and that the bills then be referred to the Agriculture Committee.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider all nominations placed on the Secretary's desk in the Coast Guard.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

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

The nominations considered and confirmed, en bloc, are as follows:

Coast Guard nominations beginning Richard E. Wells, and ending Robert C. Ayer, which nominations were received by the Senate on January 8, 1991, and appeared in the CONGRESSIONAL RECORD of January 10, 1991.

Coast Guard nominations beginning Alan B. Foster, and ending Richard M. Sebek, which nominations were received by the Senate on January 8, 1991, and appeared in the CONGRESSIONAL RECORD of January 10, 1991.

Coast Guard nominations beginning Ronald L. Hindman, and ending Sandra E. Zabala, which nominations were received by the Senate on January 8, 1991, and appeared in the CONGRESSIONAL RECORD of January 10, 1991.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

TO AMEND THE IMMIGRATION AND NATIONALITY ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 296, a bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably or who are enlisted to serve in the Armed Forces of the United States for at least 12 years, introduced earlier today by Senators KENNEDY and SIMPSON; that the bill be deemed read for a third time, passed, and the motion to reconsider be laid upon the table.

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

The bill (S. 296) was deemed passed, as follows:

S. 296

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 at the "Armed Forces Immigration Adjustment Act of 1991".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS.

(a) IN GENERAL.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (H).

(2) by striking the period at the end of subparagraph (I) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

"(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

"(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.".

(b) NUMERICAL LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), the number of individuals who may be granted special immigrant status under section 101(a)(27)(K) of the Immigration and Nationality Act in any fiscal year (other than as a spouse or child described in such section) may not exceed—

(A) in the case of aliens who are nationals of a foreign state for which there is a numerical limitation treaty or agreement (as defined in paragraph (3)), 2,000, or

(B) in the case of aliens who are nationals of any other state, 100.

(2) EXCEPTION FOR ALIENS CURRENTLY MEETING REQUIREMENTS.—The numerical limitations of paragraph (1) shall not apply to individuals who meet the requirements of section 101(a)(27)(K) of the Immigration and Nationality Act as of the date of the enactment of this Act.

(3) NUMERICAL LIMITATION TREATY OR AGREEMENT.—In paragraph (1), the term "numerical limitation treaty or agreement" means a treaty or agreement in effect on the date of the enactment of this Act which authorizes and limits the number of aliens who are nationals of such state who may be enlisted annually in the Armed Forces of the United States.

(c) ADJUSTMENT OF STATUS.—The Attorney General may adjust to the status of lawful permanent residence any alien—

(1) who qualifies for the status of a special immigrant described in section 101(a)(27)(k) of the Immigration and Nationality Act,

(2) who is otherwise admissible for permanent residence, and

(3) who is physically present in the United States at the time of approval of an application for a visa for admission as a special immigrant described in section 101(a)(27)(k) of the Immigration and Nationality Act,

in the same manner as if the alien had been previously inspected and admitted or paroled into the United States.

Mr. KENNEDY. Mr. President, on behalf of Senator SIMPSON and myself, I have introduced today a bill to provide special immigrant status for certain aliens who have served honorably in the Armed Forces of the United States for 12 years.

This bill passed the House of Representatives in the last Congress, was approved by our Subcommittee on Immigration and Refugee Affairs as well as the Judiciary Committee and was cleared on all sides for final action by the Senate. Regretably, for totally extraneous reasons unrelated to the merits of the bill, the clock ran out in the waning days of the Senate last October before final action could be completed on this legislation.

Mr. President, this bill is noncontroversial, technical in nature, and cleared on all sides with the support of the administration.

It simply grants permanent resident status to aliens who serve honorably in our Armed Forces for at least 12 years, and is similar to the provisions we have for foreign service nationals serving in our embassies overseas.

This bill will principally affect Filipino servicemen with the U.S. Navy, which has indicated only about 400 aliens are enlisted in our Armed Forces each year. So the number of beneficiaries of this special immigrant status will be small, and will never exceed 2,000 under the terms of the bill.

But this is an important gesture and benefit, particularly for those Filipino servicemen now stationed in the Persian Gulf and the Navy strongly endorses its enactment.

ARMED FORCES IMMIGRATION ACT

Mr. SIMPSON. Mr. President, I am pleased to join with my colleague, Senator KENNEDY, the chairman of the immigration subcommittee, in introducing the Armed Forces Immigration Adjustment Act of 1991. I urge its swift passage.

This legislation was cleared for passage during the 101st Congress, but failed in the waning hours. It would grant permanent residence to certain foreign nationals who have either: First, served honorably for 12 years in the U.S. Armed Forces, or second, served honorably for 6 years, and agreed to serve for another 6 years. By granting this benefit, we encourage the most qualified foreign members of our military service to proceed in their military careers, and we give them the opportunity to advance into the highest level of the military for which they qualify.

There are two major limitations on this benefit: First, an annual numerical limitation; and second, a requirement that the appropriate military department request that the particular alien receive the immigration status. I should add that the administration strongly supports the bill.

Mr. President, foreign nationals now serve among the U.S. military forces in the Persian Gulf. I believe that quick passage of this legislation is a timely and appropriate gesture to those aliens who are fighting with the U.S. Armed Forces.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until 12 noon tomorrow, Thursday, January 31; that following the prayer, the Journal of the proceedings be deemed approved to date; and that following the time reserved for the two leaders, there be a period for the transaction of morning business not to extend beyond 12:30 p.m., with Senators permitted to speak for not to exceed 5 minutes each; that at 12:30 p.m., the Senate proceed to the consideration of Senate Joint Resolution 44, a joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; that the statutory time for consideration of the joint resolution be reduced to 2 hours equally divided and controlled between Senators SASSER and DOMENICI, and that the Senate vote on passage of Senate Joint Resolution 44 at 2:30 p.m.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that it now be in order to request the yeas and nays on Senate Joint Resolution 44.

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

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays on Senate Joint Resolution 44.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECESS UNTIL TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until noon tomorrow.

There being no objection, at 5:03 p.m., the Senate recessed until Thursday, January 31, 1991, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate on January 30, 1991:

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING RICHARD E. WELLS, AND ENDING ROBERT C. AYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1991.

COAST GUARD NOMINATIONS BEGINNING ALAN B. FOSTER, AND ENDING RICHARD M. SEBEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1991.

COAST GUARD NOMINATIONS BEGINNING RONALD L. HINDMAN, AND ENDING SANDRA E. ZABALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1991.