SENATE—*Thursday, February 7, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10:30 a.m. and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

Blessed are they that mourn: for they shall be comforted.—Matthew 5:4.

Our Father in Heaven, we pray for those who suffer the many emotions of war: those in command who must make hard decisions affecting many lives, those facing battle who are filled with insecurity or fear, those whose loved ones are in the gulf and for whom every hour is filled with apprehension. We pray for those who are casualties, who suffer physical and emotional agony, and for those who have paid the "last full measure of devotion." We remember the mothers and fathers, the wives and husbands and children, the friends of those who face the daily threat. We pray for those who bear the awesome burden of decision at home and are never completely sure. We pray for those who are cocksure, right or wrong, and never have to make decisions. God of all comfort, be with those who suffer all of the ambivalence of these days.

And, gracious God, in our preoccupation with the gulf, we will not forget those, who have for so many years, been held hostage: Terry Anderson, Thomas Sutherland, Jesse Turner, Joseph Cicippio, Edward Tracy, Alann Steen.

With heavy heart we pray for peace in the hearts of those who are hurting and peace which means the end of hostilities. In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 7, 1991.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time reserved for the two leaders, there will be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Debate on the motion to proceed to the consideration of S. 320, the Export Administration reauthorization bill, will resume once morning business is closed.

It is my hope we can proceed to debate, vote on, and pass the Export Administration reauthorization bill today, if possible. As I indicated yesterday and the day before, that measure has been cleared for floor action on the Democratic side. We are awaiting clearance on the Republican side. We are now on a motion to proceed and at some point, obviously, we will have to bring this matter to a conclusion one way or the other.

Mr. President, yesterday I announced my intention to schedule the Lynn Martin nomination as soon as possible. I am now pleased to say that nomination has been cleared on the Democratic side for an agreement for a 30-minute time limitation and a vote on that nomination. I intend to schedule that today. I do plan to consult with the Republican leader before scheduling the timing of that debate and vote. We are prepared to proceed to that today to accommodate the President and his nominee to that important position.

RESERVATION OF LEADER TIME

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

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The majority leader.

GLOBAL WARMING—SENATE RESOLUTION 53

Mr. MITCHELL. Mr. President, I am today, on behalf of myself and 40 other Senators, submitting a resolution on global warming. The resolution expresses the sense of the Senate that it should be the policy of the United States to adopt specific greenhouse gas reductions by a date certain, and the resolution calls on industrialized nations to reduce their emissions of carbon dioxide, the most potent greenhouse gas.

The United States is currently hosting a meeting of a U.N. committee to develop a framework convention on global warming. The President announced an action plan earlier this week. In reality, it is an inaction plan. The so-called plan is a business-as-usual proposal, under which the administration takes credit for reductions in chlorofluorocarbons already committed to under the Montreal Protocol to protect the ozone layer and the administration then assumes unproven reductions in emissions from domestic legislation.

Mr. President, and I say to my colleagues, we cannot afford to just stay the course on greenhouse gas emissions.

The congressional Office of Technology Assessment [OTA] is today releasing a report on global warming entitled "Changing by Degrees: Steps To Reduce Greenhouse Gases." The report states that "under current trends and regulations carbon emissions by 2015 will be close to 50 percent greater than today's level." That increase will occur even though OTA assumed that some efficiency improvements will occur even in the absence of new legislation.

Recognizing that global warming is an international problem, we must keep in mind the fact that the United States, according to OTA, emits about 20 percent of the world's greenhouse gas emissions.

Actions taken here will have a global environmental impact. We have every reason to act now to make our use of energy more efficient, through options

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

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such as improving gas mileage of our cars and trucks.

Other nations recognize their obligations to curb their emissions. Industrialized nations in Europe and elsewhere have endorsed a 20-percent reduction in carbon dioxide emissions.

The United States stands alone among industrialized nations in opposing meaningful emissions reductions.

We cannot afford pea-under-the-shell proposals that sound like they address the problem but in reality, like the old shell game, do very little.

The facts are clear: human activities are causing the Earth to warm more rapidly and more quickly than we have ever experienced. The best scientific information today tells us that the concentration of greenhouse gases already in the atmosphere has committed the Earth to an increase in the warming of the atmosphere. The Secretary General of the World Meteorological Organization has said:

> The global warming to which we are already committed is irreversible. * * * By the time we detect it, it will be too late. * * *

But there are some, in this Nation and in others and unfortunately led by the President, who argue that there must be a final and unanimous scientific view before any serious action can be taken. The demand for scientific certainty is a double standard not used in any other area of legislative activity. It is in fact, a device for delay used by those unwilling to act.

It is ironic and dangerous that this argument is being raised in connection with what is the most serious, far-reaching and irreversible environmental danger the world faces.

It is ironic that the United States is a follower on global warming controls at a time when in the middle of February and in which we have experienced a recordbreaking heatwave in the past week, some years in the past decade were among the hottest on record.

The administration has given to participants at the U.N. meeting being held here this week a glossy brochure. It is not much more than an illustrated justification for doing nothing.

History has shown that we pay a high price for ignoring environmental problems. The cheaper, easier solution is dismissed because it is too soon to act. Delay leaves fewer and more costly choices. Meanwhile, the adverse impacts on the environment continue to grow.

The Office of Technology Assessment report being released today indicates that we can reduce carbon dioxide emissions 35 percent by the year 2015 while possibly saving money. The OTA estimates that a 35-percent reduction in emissions could save us $20 billion per year or could cost us up to $150 billion per year. The cost estimates have a wide range—in this instance of $170 billion—but it is clear that the opportunity exists for us to reduce our emissions and save money.

I urge the administration to see the global warming problem as an opportunity to improve the efficiency of American industry and enhance American competitiveness; a chance to find new ways to produce goods while protecting the environment and perhaps saving money. Economic growth and environmental protection complement, not contradict, each other.

The time has come for the United States to move forward on controlling emissions of carbon dioxide. The price of delay is too high. In this area, the Bush administration has chosen to follow, not lead. It is up to the Congress to provide the leadership the United States should have and the world needs.

Mr. KERRY. Mr. President, I rise today in support of this resolution in which the Senate once again asks the United States to be a leader in the world effort to reduce the threat of global climate change. I hope that this year the United States will finally take some real steps toward reducing our greenhouse gas emissions and will finally take our place with other nations of the world who have long agreed on the need for this action.

Many of us have been working over the past several years to enact energy efficiency and conservation measures to combat global warming. Our opposition argued vigorously that the science was too uncertain and the costs too great. So instead of action, we called for research. We asked U.S. scientists to work here at home and in the international community to resolve some of these questions.

And the answer came back that, although some questions remain unresolved, the overwhelming evidence says that we are distorting our atmosphere with increasing concentrations of carbon dioxide and other greenhouse gases and that this will cause the temperature of our planet to rise. While we must continue to examine and improve our information, the facts we do have clearly show that inaction is the last thing we can afford.

Estimates of the extent of warming by the middle of the next century vary from 3 to 16 degrees Fahrenheit, and such warming could disrupt our Earth's agricultural patterns, threaten our water supplies, and devastate our coastal areas. We don't have to look far to find the source of the greenhouse gases that would cause these changes. Human activity pumps 24 billion tons of CO_2 into the atmosphere every year, with the United States alone accounting for about 5.7 billion tons or 24 percent through the burning of fossil fuels. Humans also produce all of the 1 million tons of chlorofluorocarbons [CFC's] that enter the atmosphere each year.

In the past few years, we have seen the United Nations organize scientists from around the world to evaluate the science and recommend actions. We have seen half of our own National Academy of Sciences joined by 49 Nobel laureates to urge President Bush to take the threat of global climate change seriously and begin to take action. This year, the Office of Technology Assessment reports:

> It is clear that the decision to limit emissions cannot await the time when the full impact is evident. The lag time between emission of gases and their full impact is on the order of decades to centuries; so too is the time needed to reverse any effects.

If we fail to act, our National CO_2 emissions would rise by an estimated 50 percent over the next 25 years.

In addition, Mr. President, our commitment to reduce our emissions of fossil fuels will have other positive effects. It will enhance our efforts to achieve energy security, to keep our air and water clean, and to make advances in technology and stay economically competitive.

The Department of Energy reports that energy efficiency and conservation measures could cut CO_2 emissions by up to 27 percent by the year 2000. Mr. President, with thousands of American troops in the Persian Gulf risking their lives in part to secure our economy's access to energy, and with people in Massachusetts and across the Nation feeling the pinch from higher fuel costs, it does not take much foresight to see the immense additional benefits associated with energy conservation. Moreover, these actions can be accomplished in a cost-effective manner.

This week we saw the administration assert, for the first time, that global climate change is a potentially devastating problem that justifies our action. And I commend them for finally taking that step. Unfortunately, their proposed reductions in greenhouse gases do not go beyond the progress that we have already made as a result of the Clean Air Act and our commitment to eliminate ozone-depleting CFC's. This is totally unacceptable.

So I look forward to working this year to develop a comprehensive national energy strategy that includes a strong energy conservation component. And today, I am proud to cosponsor this resolution with so many of my distinguished colleagues. We strongly believe that the U.S. policy on climate change must include specified targets and dates for reductions in greenhouse gases. And, very importantly, the United States must play a leadership role over the next year in negotiating an international climate protection treaty.

Mr. CHAFEE. Mr. President, as recently as 5 years ago, in 1986, few people knew about the greenhouse effect and the threat of global climate change. Today, it is front page mate-

rial. Cover stories in weekly magazines, headlines in daily newspapers, documentaries on PBS and network television, even the evening news is now telling us about the threat of an intensified greenhouse effect caused by the pollution that comes primarily from the burning of fossil fuels such as coal and oil.

Is all of this just another example of Chicken Little screaming that the sky is falling? The answer, Mr. President, is a resounding "No." The threat is real and very serious.

We are experiencing an accelerating accumulation of greenhouse gases in the atmosphere, primarily carbon dioxide, chlorofluorocarbons [CFC's], and methane. Scientific experts from all over the world are telling us that these gases act as a thermal blanket and, if we continue to pour them into the atmosphere at current rates, they will trap heat in the Earth's atmosphere and cause unprecedented climate changes.

The predicted environmental impacts of an intensified greenhouse effect include:

A significant increase in global average temperatures over the next several decades that is equal to or greater than the increase experienced over the last 10,000 years;

Continuing temperature increases at an equally alarming rate in succeeding years;

The extinction of numerous species of plants and animals and significant interference with natural evolutionary responses;

Reduced soil moisture content and altered storm patterns that may seriously disrupt the U.S. agricultural industry; and

A dangerous rise in sea level over the next few decades and continuing sea level rise in succeeding years.

It is easy to overstate the uncertainty that surrounds this issue. It is true that scientists disagree about matters such as whether an intensified greenhouse effect has already begun. Similarly, there is no scientific consensus about the precise timing of the predicted changes. When will we see a 2-degree change? When will we see a 9-degree change? Will it be 50 years, or 75, or 100?

Nevertheless, there is a remarkable degree of scientific consensus concerning the threat of massive, uncontrolled global climate change. Specifically, most experts agree that if we do not change our pattern of polluting the atmosphere, many of us, our children, and our grandchildren will experience devastating climate changes of a magnitude and at a rate that will preclude natural evolutionary responses.

There appears to be consensus on another critical point. That is: By the time there is scientific proof for every detail of the problem, it will be too late to avoid the most devastating impacts of an intensified greenhouse effect and global climate change.

Those of us in Government must make decisions based on the best information we have at the time and be ready to modify those decisions—after the fact—if new information becomes available.

Our willingness to make initial, difficult decisions to change the status quo in order to avoid or reduce the threat of future environmental damage, is a function of personal and societal values. Many of us are willing to bite the bullet and take bold action to avoid or reduce the threat of global climate change.

We can ill afford to wait for 10 years of research before we take action to limit the rate and extent of future climate change by reducing atmospheric concentrations of greenhouse gases. It is not enough simply to freeze emissions at current levels. At the same time, we must begin to implement adaptation strategies for coping with the changes to which we are already committed.

Mr. President, earlier this week, I joined Senator WIRTH and a number of our colleagues as an original cosponsor of S. 324. This bill is a good starting point in the effort to establish a national energy strategy that reflects the concerns many of us share about an intensified greenhouse effect. It is designed to reduce U.S. emissions of carbon dioxide, the primary greenhouse gas that is a byproduct of fossil fuel combustion, and to increase our use of clean, renewable fuels such as solar energy and wind power.

Today, I am proud to join Senator MITCHELL, the majority leader and a respected colleague on the Committee on Environment and Public Works, as an original cosponsor of a Senate resolution on global climate change. The resolution states our support for the negotiation of an international treaty that includes specific commitments to reduce emissions of carbon dioxide.

The United States is the largest emitter of carbon dioxide in the world. Each year, we produce 5 tons of carbon dioxide for every man, woman, and child in this country. On a per capita basis, Canada is an equal offender although its total emissions do not come close to United States levels. The next largest producer is the Soviet Union, with annual per capita emissions of 3½ tons. Compare these numbers to the world average which is less than 1 ton per capita.

In addition, the United States is one of the most energy inefficient countries in the world. We continue to lead all industrial nations except Canada in the amount of energy used per unit of goods and services produced. This is not just an environmental embarrassment. It is economic suicide. This gross, inefficient use of energy makes it difficult for us to compete in the world market.

The world is looking to us for leadership but they are not waiting for us. More than 1 dozen nations, including many of our industrialized trading partners, have officially pledged to stabilize or reduce CO_2 emissions by 2005. There is no excuse for us to be sitting on the sidelines while the rest of the world presses ahead. The United States should be a world leader in the international effort to reduce atmospheric concentrations of CO_2.

It is important for the President to send a clear signal to everyone that he believes we know enough to act now and that we cannot afford the risk that comes with a wait and see policy. The scientists are telling us that if we wait for scientific proof, it will be too late to respond.

There is no shortage of studies and reports on the nature of the problem and the policy options for responding to it. Listen to this list:

In February 1989, EPA produced an excellent study outlining policy options;

The U.N. Environment Programme [UNEP] issued a similar report in September 1989;

The Department of Energy produced a policy options report in October 1989;

In December 1989, EPA published an extensive report on the effects of an intensified greenhouse effect; and

In August 1990, the International Panel on Climate Change [IPCC], an international group of experts that included many of the world's most respected scientists and government officials, issued a series of reports on the science of the greenhouse effect, likely impacts, and policy options for responding to the threat.

A new report entitled "Changing by Degrees: Steps to Reduce Greenhouse Gases" is being released today by the congressional Office of Technology Assessment [OTA]. I am proud of the fact that this report stems from a request I made in September 1986—a request that was subsequently supported by four Senate committees and two House committees.

This excellent new report reinforces the message that many of us have been trying to deliver about the threat of an intensified greenhouse effect and global climate change. Simply put, the report shows that there are a great many things we can do that will have a double benefit—we can conserve energy and we can reduce U.S. emissions of carbon dioxide quickly and at relatively low cost. In many cases, energy conservation measures will actually save money.

The new OTA report shows that we can begin to reduce CO_2 emissions without crippling our economy. There is no excuse for us to drag our feet any longer. The international negotiations on a climate treaty that started this

week represent a perfect opportunity for the United States to present this new data and to join the rest of the world in an argeement to reduce emissions of carbon dioxide.

The solution is going to involve attacking the problem on several fronts:

As recognized by the recently enacted Clean Air Act Amendments of 1990, we need to eliminate CFC's as quickly as possible—chlorofluorocarbons are a double villain, in addition to destroying the ozone layer, they are powerful greenhouse gases;

As noted in this bill, we need to reduce our use of fossil fuels, especially coal and oil, which produce large amounts of carbon dioxide—greater energy efficiency is one way to do this, for example, we should be producing cars that get at least 40 or 50 miles to the gallon; and

We need to devote more research to new sources of clean, safe energy like photovoltaics, and windpower.

Mr. President, as one who has been working on this matter since early 1986, I am pleased to see the threat of global climate change receiving the attention it deserves.

Is it too early to act? On the contrary, it is late. Let us not waste time debating whether or not it is too late. There is lag time built into the climate system. Even if we stopped all emissions of greenhouse gases tomorrow, we will experience global changes over the next 20, 30, or 40 years that will make Earth warmer than it has been in the past 100,000 years.

Sea levels will rise. Storm patterns will change. Change is inevitable. The magnitude and rate of this change, however, as well as our ability to adapt to it, will depend on how quickly we respond to this threat and how quickly we reduce atmospheric concentrations of carbon dioxide.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator Gore.

Mr. GORE. Mr. President, I am pleased to cosponsor the resolution just submitted by the majority leader. I wish to compliment him on the leadership demonstrated in this resolution and on the statement he has just made.

In meetings and conversations that I have had during the last few days with delegates to the conference now taking place in Chantilly, it has become evident to me that people all over the world want the United States to exercise leadership on this issue. Only the United States is capable of providing the kind of leadership necessary to forging a resolution of this problem. As the majority leader has said, this problem is so serious we cannot afford the kind of inaction proposed by the administration. I believe that global warming is the single-most serious problem human civilization has ever confronted.

Many people do not accept that fact. Many argue that the evidence is still uncertain. Many would have us gamble that the consequences predicted by so many scientists who have studied this issue are simply wrong, and yet the consequences, if those predictions are right, are so dire and so severe that future generations will look back and shake their heads and wonder what were they doing back in 1991 when delegates from around the world gathered in the United States waiting for leadership and heard instead President Bush propose doing nothing. And make no mistake about it, Mr. President; the plan submitted by the Bush administration would commit this country to doing exactly nothing about this problem. It is an exercise in pretense. The stabilization of greenhouse gas emissions in the year 2000, which is promised in the administration's plan, is a sham and an artifice.

The reductions of chlorofluorocarbons, which have to be eliminated anyway under previously agreed to international treaties, will take place here in the United States later than in other countries because of foot dragging by the administration. Because of their foot dragging, those reductions will take place at the end of the century. CFC's are also greenhouse gases. Therefore, eliminating CFC's will have the effect of reducing the overall emissions of greenhouse gases in that 1 year; the year 2000. Emissions before that year will be higher. Emissions after that year will be higher because the administration's plan does nothing to control the excessive rise in carbon dioxide emissions. In fact, between now and 9 years from now, in the year 2000, the administration's plan allows an estimated 15-percent increase in CO_2 emissions in the United States. If the administration's plan is adopted, that rate of increase will continue or accelerate right through the turn of the century and thereafter.

Mr. President, to put out an announcement, as the administration did, claiming that they will stabilize greenhouse gas emissions in the year 2000 is to try to convince the American people and the rest of the world that they are doing something they are really not proposing to do. It is a game. But if the consequences are so serious, how can they approach it in this manner?

I would like to express my personal confidence, Mr. President, in many of those who are part of the negotiating team representing our country in Chantilly. There are some good people involved. It is the policy that they have to argue which is so bad, and the policy has been set not by our negotiators but by President Bush, following the advice not of his head of EPA—who has been excluded from this process; not from his Secretary of State—who has recused himself from this process; not the advice of his science adviser, who feels differently on this matter. No. The President is following the advice of his Chief of Staff, Dr. John Sununu, who evidently has a very deep personal involvement in this issue. It is quite appropriate for the Chief of Staff of the President of the United States to involve himself in issues he feels are important, but in this case, Mr. President, for Dr. Sununu to manage to exclude those who have expertise in this particular area and urge upon the President a course of action which would have this Nation do nothing on the single most serious problem that faces human civilization is really a disservice to the people of this country, to their children, and to their grandchildren.

What other nation can lead the world in facing a problem like this? The world will not follow Japan. Europe will be absorbed in its process of integration for at least the next 10 years. Who else is there? The United States must lead on this question.

I would like to express the hope that some progress will be made in these negotiations, but having met with the delegates and having talked with them, I can only say that their reports are a source of little comfort. There has been some progress, and perhaps enough to lay the groundwork for a later change of heart by the administration. If that change of heart takes place, it will be because of expressions like the resolution submitted today by the majority leader and 39 of our other colleagues who are urging the President to get going; to offer the leadership that is desperately needed on this issue.

As the majority leader has also noted, the Office of Technology Assessment in about 15 minutes will be formally releasing its report on what can be done to reduce our emissions of greenhouse gases. And importantly, just to summarize the most salient point of this report, we can reduce carbon dioxide emissions and simultaneously save money. The OTA report reveals the bankruptcy of administration's assertion that we will incur tremendous expenses if we even attempt to address this problem. Of course, Mr. President, the Administration measures the expense incurred by not solving the problem. The impact of global warming is not just a few more degrees on average, not just a few hot days in the summer. It is, rather, the threat of a complete change in the pattern of temperature distribution, rainfall distribution, and, consequently, of severe disruptions of all of those human activities which are inextricably tied to the pattern of climate which has existed within boundaries of change for the entirety of the history of human civilization.

Mr. President, the essence of leadership is to look ahead, identify prob-

lems, and propose solutions for those problems while the solutions are feasible; while they can be effective. The essence of political cowardice is to see the problem and fail to act because of fear that the political consequences of doing something about the problem will be painful in the short term. That is what we are seeing right now from the Bush administration where the global environmental crisis is concerned.

I am proud to be a member of the Democratic majority in this U.S. Senate, and to join the majority leader in a resolution declaring that we need leadership now, and urging the White House to make the best use of the climate change negotiations that are now underway.

Thank you, Mr. President.

Several Senators addressed the Chair.

Mr. BAUCUS. Mr. President, I rise to join the majority leader and others in submitting a resolution on global warming. The resolution calls upon the United States to assume leadership in negotiating an international climate protection treaty that contains specific commitments to reduce emissions of carbon dioxide and other greenhouse gases by a certain date.

This week the United States is hosting the first session of the International Negotiating Committee for a Framework Convention on Climate Change of the U.N. General Assembly.

That is a lot of words, but it is important to note that it is the first international agreement under the auspices of the U.N. General Assembly in trying to come to grips with this problem.

The goal of the assembled nations is to complete a climate change convention in time for signature at the U.N. Conference on Environment Development in June 1992, just over a year from now.

It is ironic that as the convention is convening here in Washington, DC, temperatures in Washington, DC, broke a 108-year-old record just a couple of days ago. At Washington's National Airport, temperatures hit 70 degrees Fahrenheit, breaking the record set not too many years ago, in 1983.

For these negotiations to be successful, the United States must exercise leadership. The United States is still the leading economic power, the leading military power and, unfortunately, the leading producer of carbon dioxide, the major greenhouse gas. The United States, with about 5 percent of the world's population, generates more than 20 percent of all manmade emissions of carbon dioxide.

George Bush promised us, when he was a candidate for the Presidency, the "White House effect" to deal with global warming. On Monday, President Bush announced his policy on climate change in a document entitled, "America's Climate Change Strategy: An Action Agenda." Those were the words.

Unfortunately, it appears that the promised White House effect is in reality a whitewash effect.

The report states that the strategy will result in U.S. greenhouse gas emissions in the year 2000 being equal to or below the 1987 level. The U.S. strategy, however, sets no basic objective to limit global climate change. Instead it largely repeats on U.S. commitments to cut ozone-depleting chlorofluorocarbons, an action agreed to last year under the Montreal protocol. So there is little new in this document. In fact, stripped of the CFC's reductions, the strategy actually allows a continued increase in total U.S. emissions of all greenhouse gases to the end of the century.

The administration's policy of not setting an emissions reduction target and deadline stands in stark contrast to the action of other industrialized nations. Austria, Australia, Canada, Denmark, France, Germany, Italy, Japan, The Netherlands, New Zealand, Norway, and Sweden have all proposed specific reductions in greenhouse gas emissions, particularly carbon dioxide.

Mr. President, we know the problem is not easy. But if we had the time merely to study and wait, then the greenhouse crisis would not be the crucial challenge that it is. It would not demand the world-class leadership that only the United States can provide. We must be prepared, today, to make exactly the kind of choice that is the essence of leadership. Though we do not know everything, we know enough to act today.

The testimony of scientific experts clearly indicates that it is time for us to act on this problem. Last year, 49 Nobel laureates and 700 members of the prestigious National Academy of Sciences called global warming "the most serious environmental threat of the 21st century."

In May 1990 the U.N. Intergovernmental Panel on Climate Change issued a report, adopted by delegates from 39 countries, which concluded that under a business-as-usual scenario for emissions of carbon dioxide and other greenhouse gases, a global warming of 5 to 10 degrees Fahrenheit above pre-industrialized levels is likely to occur by the end of the next century. This would bring the Earth to its warmest level in at least 150,000 years.

Even the administration's own Environmental Protection Agency ranked global warming as a top priority. In its recently released report "Reducing Risk: Setting Priorities and Strategies for Environmental Protection", EPA's Scientific Advisory Board examined and ranked 31 environmental risks. Global warming ranked as one of the four highest risks to our natural ecology and human welfare.

It is the nature of the climate system that what we do today—the amount of greenhouse gases we put into the atmosphere—will determine the extent and severity of climate change in the next century.

The impacts are far-reaching. An average temperature rise of 5 degrees Fahrenheit could produce effects such as extreme heat waves and drought in some agricultural and urban areas. It could produce rising oceans with flooding of low-lying coastal areas. An increase in the frequency and severity of hurricanes and other storms. And the potential destruction of forests over broad expanses.

If we wait to reduce greenhouse gas emissions, until we see the changes in climate, it will be too late. To protect the world we and our children will live in, the 21st century, we must make policy changes now.

Mr. President, in 1897 noted American writer and journalist Charles Dudley Warner, observed in an editorial in the Hartford, Courant, that "Everybody talks about the weather, but nobody does anything about it."

Today the international community is poised to do more than just talk about the weather. Global warming is a global problem and the United States must step forward as a leader in the world community to find a international solution. To do this requires two steps. First, we must lead by example and shape our own domestic policies to help solve, and not exacerbate the problem. Second, our President must assume a lead role on the world stage by advancing an international policy on climate change which calls for specified reductions in all greenhouse gases by a date certain. Anything less and the United States remains part of the problem.

Mr. PRYOR. Mr. President, I have made it a general practice to not participate in sense-of-the-Senate resolutions. These resolutions have become so prevalent and in many cases immaterial that the only thing accomplished is added expense to the taxpayer for printing them in the CONGRESSIONAL RECORD.

However, I believe Senator MITCHELL's resolution calling on the United States to take a leadership position in calling for worldwide carbon dioxide emissions reductions during the meetings of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change currently being held in Washington, DC, warrants support.

Our country has long been admired by the many nations around the world as a leader for positive change. This leadership should now be continued in support of controlling the worldwide scourge of global warming. It is fitting that we become the role model for other countries on global warming, as we are the No. 1 emitter of carbon diox-

ide, which is the primary culprit in causing the greenhouse effect.

We are presently countering a threat in a faraway land where I am sure we will prevail. A far different threat, but a threat nonetheless, looms on the horizon, and scientific studies strongly indicate that unless steps are taken to counter global warming, an environmental calamity of immense proportion may occur.

As a Senator who represents a State whose No. 1 industry, agriculture, is very dependent on sufficient rain, Sun, and other environmental factors, I am very interested in assuring that the proper growing conditions are maintained to the extent possible. If greenhouse gases are allowed to increase unchecked, our farmland and those around the world could ultimately become dust bowls.

Mr. President, I hope our Nation lives up to its past world leadership role and becomes an active force for reducing greenhouse gases.

Mr. SANFORD. Mr. President, I rise in support of the resolution on global warming introduced by the distinguished majority leader.

This resolution will not allow the United States to continue to maintain its seat on the sidelines of the world debate on global warming. Instead, the resolution rightly calls on the United States to take a position of both responsibility and leadership among the world's nations in addressing this critical issue. This Nation must pledge its support to a global effort to seek specific reductions in the emissions of greenhouse gases, particularly carbon dioxide. As the Nation which produces almost 25 percent of all manmade carbon dioxide emissions through our use of fossil fuels, certainly America should take an active role in helping to determine the parameters of any international climate protection treaty.

The Intergovernmental Negotiating Committee on a Framework Convention on Climate Change is meeting this week and next in Washington, DC. This is a result of the establishment of the Intergovernmental Panel on Climate Change [IPCC] by the United Nations World Meteorological Organization and the U.N. Environment Program. The IPCC report forms the basis for international negotiations on the Framework Convention, an effort in which more than 130 nations are participating.

Mr. President, we cannot afford to hope for the best on this issue. The stakes are too high. There is growing evidence to indicate that the accumulation of greenhouse gases in the atmosphere at current rates may well impact our agricultural, forestry, and water resources. The scientific assessment of the IPCC concludes that, under a business-as-usual scenario for emissions of greenhouse gases, the Earth would reach its warmest level in at least 150,000 years by the end of next century.

The prospect of rising sea levels, increased coastal erosion, and influences on marine ecosystems are of no small concern to me as a resident of a coastal State. Climate swings and damage to forest resources and farmlands are no more appealing. I do not have an alarmist approach to this issue, but neither am I willing to sit back and wait for the disturbing predictions of many of the world's most respected scientists to become reality. Let's take the proper steps now to curb the flow of greenhouse gases into our atmosphere and commit to increased international cooperation on this initiative.

While it will take more than just the minds of a few tarheels to solve the problem of global warming, I would like to mention an initiative in North Carolina that demonstrates both a commitment to stemming the tide of a warming planet and to the true spirit of cooperation. Duke University, North Carolina State University, and the University of North Carolina at Chapel Hill have formed a new Center for World Environment and Sustainable Development specifically to address the key problems of climate change and its causes, such as deforestation and emissions of greenhouse gases. This center brings together internationally renowned faculty and their programs in a significant effort which compliments the actions of the IPCC.

Mr. President, as we take a serious look at the sources of greenhouse gases, there is no question that, through the methods which we must employ to reduce these emissions, we will also be increasing energy efficiency, reducing our dependency on foreign oil, strengthening our economy, and lending to the long-term health of our global environment.

Last, let's take the opportunities provided this Nation through the Intergovernmental Panel on Climate Change and get serious about this issue that can truly be said to affect everyone's back yard. It is high time that the most powerful nation on Earth stood up and was counted. We are a leading cause of greenhouse buildup; let us provide some answers.

I am encouraged by the efforts of my able colleague from Maine to focus this body's attention on such a critical issue.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii [Mr. AKAKA] is recognized.

U.S. GOVERNMENT TRUST RELATIONSHIP WITH NATIVE PEOPLE OF HAWAII

Mr. AKAKA. Mr. President, less than 9 months ago I stood in this Chamber to be sworn in as a U.S. Senator—the first native Hawaiian to serve as a Member of this distinguished body of lawmakers. And as such, I was honored to offer legislation calling on the United States to formally apologize to the Hawaiian people for the overthrow of their sovereign Kingdom of Hawaii in 1893. My resolution would have also declared that a trust relationship exists between the U.S. Government and the native people of Hawaii.

Because the Senate was unable to complete action on my resolution, I am pleased to reintroduce the measure on behalf of the senior Senator from Hawaii and chairman of the Indian Affairs Committee, DANIEL K. INOUYE, and myself.

Mr. President, our Nation speaks openly of the sovereignty and freedoms of those in other countries and the efforts that must be undertaken to restore or protect the rights of these people. It is time that Congress and the administration reflect upon America's own history and her actions which have affected the self-determination and freedoms of her native people. America must extend the same moral responsibility that she feels for the rights of the people in other countries to her own people as well.

In 1893, on orders of the U.S. Minister to the Kingdom of Hawaii, John L. Stevens, American troops landed in Honolulu and blockaded Queen Liliuokalani's palace. This action by an annexation party calling itself the "Committee of Safety," which was joined by over 100 U.S. marines and sailors, led to the overthrow of the Kingdom of Hawaii.

Even before the takeover of the Hawaiian government was complete, Minister Stevens recognized the new provisional government as the de facto government of the Hawaiian Islands. Hawaii's Queen was forced to abdicate but did so only under protest and subject to a later review by the U.S. Government. To ensure order, the Marines took custody of the Queen's palace and raised the American flag, signifying the demise of the existing government.

Liliuokalani, beloved by her people, refused to risk the lives of her citizens and never stopped believing that the United States would recognize its error and restore her government. Her dream remained unfulfilled.

Mr. President, it is important to note that in 1893, native Hawaiians were citizens of an aboriginal nation with every internal and external attribute of sovereignty. The overthrow of the Hawaiian Kingdom by the United States and its agents deprived native Hawaiians of their nation and the right to self-government. Most importantly, native Hawaiians were deprived of the fundamental right of nationhood—the right to exist as a sovereign nation within long established boundaries.

The United States clearly violated the Hawaiian Kingdom's right to independence and the principle of nonintervention in the affairs of another

nation. Those actions subsequently led to annexation of Hawaii by the United States and to the Federal Government's acquisition of approximately 2 million acres of native land. All of this was accomplished in spite of overwhelming opposition by native Hawaiians.

Mr. President, by formally acknowledging the wrongdoing by the United States, the responsibility falls on the United States to assume a fiduciary relationship between the Native Hawaiians and the United States. As with other native groups, a portion of the aboriginal lands acquired by the United States was specifically set aside in trust for the protection and rehabilitation of the people whose lands were taken.

Through the Hawaii Admission Act, the Federal Government gave the fee title to ceded lands—those lands obtained at the time of annexation—to the State, but specified five land-trust purposes. The betterment of the conditions of native Hawaiians is one of these trust purposes.

The Hawaii Admission Act also provides that failure to use the lands and funds as specified "shall constitute a breach of trust, for which suit by the United States may be brought." By placing these restrictions upon the State's use of ceded lands, the United States implicitly recognized its obligation to the native people of Hawaii.

My legislation would establish a political trust relationship which would leave no doubt that the Federal Government has a moral and legal responsibility for the well-being of the Native Hawaiian people.

The United States has continued to recognize native Hawaiians as an aboriginal group in numerous legislative acts since 1959. Native Hawaiians are now included in the Administration for Native Americans Act, the American Indian Religious Freedom Act, the Native Hawaiian Education Act, the Native Hawaiian Health Act, among others.

Mr. President, the Hawaiian people were dealt a severe psychological blow when their Kingdom was overthrown. The fact that the United States has never acknowledged its action or apologized for its insurrection has deepended the wounds of native Hawaiians. Apologizing to the descendants of these native Hawaiians who suffered the loss of their Queen and the sovereignty they should have continued to enjoy will begin the process of healing the wounds.

I stand before you today on behalf of native Hawaiians to request this simple but important gesture. They have waited long enough. The time for Congress to recognize the injustice that was done to the Kingdom of Hawaii nearly a century ago is long overdue.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 388 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, is there a time limit on my recognition?

The PRESIDING OFFICER. We are in a period of morning business and the Senator may proceed as though in morning business.

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

(The remarks of Mr. HEINZ pertaining to the introduction of S. 396, S. 397, S. 398, and S. 399 are located in today's RECORD under "Statements on Introduced Bills and Joint resolutions.")

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. I thank the Chair.

(The remarks of Mr. KERREY pertaining to the introduction of S. 389 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PERSIAN GULF CRISIS

Mr. GRAHAM. Mr. President, I would like to commend to my colleagues a column by Max Berking which was published yesterday in the North Port Sun Times, North Port, FL. Mr. Berking makes a series of salient points regarding the current Persian Gulf crisis. I believe that the Members of this Senate would learn and benefit from Mr. Berking's views. I ask unanimous consent that Mr. Berking's column be printed in today's CONGRESSIONAL RECORD in its entirety.

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

INTO THE ABYSS, OR ONE STEP BACK?

(By Max Berking)

We seem to be moving inexorably into a land battle of unpredictable horror. A land battle that we shall win, but at the risk of losing the war.

Heavy American and allied losses will shatter the euphoric view that the war will be quick and easy, encourage our coalition partners to let us do the fighting, and kill, perhaps for decades, chances of our leading an effort for collective security in the future. The very opposite of what President Bush claims he wants.

Most of all heavy losses will create the kind of bloody chaos that will be totally uncontrollable and make rebuilding the region after the war almost impossible. I'm thinking here of a chemical or biological attack on Israel, returned in kind or with nukes, with heavy civilian losses on both sides. With such a catastrophe hatred could escalate into armed uprisings all across the Arab world.

My strategy to avert this outcome is simple: maintain air and naval superiority; tighten the blockade; and retire to the defensive posture where we were for the first three months of the war, before Bush's build-up to an offensive capacity in early November.

That means bringing home half our troops; enabling those who stay to be rotated; and hunkering down for a possible long siege, without worrying about deadlines such as Ramadan.

Meanwhile we continue our effort to liberate Kuwait, through bombing Saddam's forces and supply lines, and work all possible diplomatic channels for the release of our POWs and a final settlement.

Is this tactical slowdown appeasement? I'd say no. Certainly not in the sense that Chamberlain gave Czechoslovakia to Hitler. Certainly not in allowing Saddam to get something for nothing. To the contrary we are giving up only our posture. All our options remain. We are simply changing our tactics and drawing back from the abyss.

Pulling back enables us to take charge of the war once again and call the shots instead of waiting for a weekly "surprise" from Saddam. It fits what most of our allies wanted from the beginning. And it conforms with the "sanctions approach" taken by so many members of the U.S. Congress in the Jan. 12 vote.

Several major questions arise in pursuing this scenario.

First, will sanctions work? No one really knows. But it is clear that the Bush administration orchestrated a denigration of sanctions for months. Witness the switch in testimony by CIA chief William Webster. And read the evidence as contained in a recent New York Times Op-Ed piece by Gary Hufbauer and Kimberly Elliot reviewing the history of this technique. Mussolini, they write, told Hitler that had the League of Nations included oil in its sanctions, he would have had to call off his Ethiopian adventure within a week.

What about Saddam? My answer is to starve out his troops in Kuwait. Continue leafletting his forces and his people, using, as spokesmen, his emigre Iraqi opposition. And wait.

But can we wait? Will our troops endure months of further waiting in the desert? My answer might have been "no" a few weeks ago. Most of the GIs interviewed (with permission) on TV want to fight and "get it over with." Some of their superiors may even want to test their expensive new toys in real combat.

But today, having moved up to the rim of the abyss, the answer could be different from a month ago. If I were a GI, I would rather sit it out a bit longer, get rotated back as a hero, and return only if needed. The shedding of American blood was warranted in WWII and always is to defend our soil. But this is not the same.

Finally there is the psychological aspect. Is Bush big enough to switch tactics at this late date? Would the American public realize that the mark of a truly great nation, and a great leader, lies in an ability to admit mistakes and continuously self correct its

course of action? Could our elected officials withstand the pressures of millions of arm chair patriots who so often prefer immediate gratification (i.e. quick "victory") to a long-term gain?

Most Americans whom I've talked to take the attitude that we've come this far and thus ought to finish the job. They may be right. But none of these friends have considered the consequences of major bloodshed.

It would be an act of great political courage for Bush to take this line. But for him personally, and for a final settlement, it makes sense. The events of the past few weeks have shown for all time that Bush is clearly not a wimp. (He never was. And there was never a need for him to use such undignified phrases as "kick-ass" and "I've had it with this guy.")

For Saddam, this would enable him to claim that he went eyeball to eyeball with the most powerful nation on earth—and even got Bush to back down and remove some troops. That may not please the Pentagon. But if it will save a few American lives, let him say it. Whatever happens, let's remove the macho psychology, now and forever.

The past three weeks have demonstrated a lot. Both leaders and nations have proved their mettle. U.S. bombs can pinpoint and destroy on a massive scale. And Iraq, from preliminary evidence, has the guts to hold out. Now, let's get a little wiggle room into this equation.

The clock is ticking. In a few days, or even hours, it may be too late.

NEW YORK SCHOOL FOR THE DEAF'S FOUNDER'S DAY AWARD

Mr. MOYNIHAN. Mr. President, several months ago I was asked by the board of trustees of the New York School for the Deaf to chair the school's inaugural Founder's Day Award Reception. The School for the Deaf in White Plains is the oldest special education institution in my State, and has continuously served deaf children and young adults since 1817. It was an honor that I readily accepted on two counts: I thought it a worthy cause on behalf of a worthy institution, and the school had chosen a former colleague and good friend, John Brademas, as the recipient.

The Founder's Day Award was designed to recognize those individuals whose contributions have made it possible for people with disabilities to do anything. John Brademas has spent a lifetime in public service doing just that. How fitting that the people at Fanwood—the more familiar name for the school—would bestow this honor on him.

Regrettably, events in the Persian Gulf brought Congress into session on January 15 and precluded my joining with the members of the board of Fanwood that night in recognizing John for his leadership in Congress on such legislative initiatives as the Education of All Handicapped Children Act and his continued work as president of New York University, which have benefited all people with disabilities.

I offer my congratulations to John Brademas for receiving this honor, and I wish the New York School for the Deaf another 173 years of success.

Mr. President, I ask unanimous consent that the text of the speeches of John Dean, chairman of the board of the New York School for the Deaf, and John Brademas, president of New York University and first recipient of the Founder's Day Award, be included in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

REMARKS BY JOHN W. DEAN, CHAIRMAN OF THE BOARD OF TRUSTEES OF THE NEW YORK SCHOOL FOR THE DEAF

Tonight, the Fanwood community, with our friends, gathers together proudly, to present our school's first "Honorary Founder's Day Award." It is said that events are shaped by those who believe in the future, and then act on those beliefs. For example, an individual such as the Reverend John Stanford believed that a better way of life existed for deaf people in 1817 New York. And then he made it possible. In 1817, Rev. Stanford started a school, our school—named in 1817: the New York Institute for the Instruction of the Deaf and Dumb—to give six deaf children a chance to learn.

Interestingly, for years, students at the New School for the Deaf celebrated something called "Founder's Day." Ironically, the day did not mark the anniversary of the founding of the school, as one might immediately suspect. Rather, it was held on the birthday of one of the school's early, most influential superintendents. Dr. Harvey Peet. "Founder's Day" was used by the students as an occasion to recognize and honor faculty, staff, administrators and board members who they felt had a profound impact on Fanwood—and on them.

In establishing the "Honorary Founder's Day Award" to honor those individuals whose contributions to society have had immediate and profound impact on the lives of the students at the New York School for the Deaf, the trustees believe that we are being true to the original theme of the Founder's Day established by our students.

It is an award we intend to bestow on visionaries: to those who sought and seek to provide a better life for others and whose actions created and create opportunities for others; to those who led and lead while others chose to stand aside idly.

We are grateful to many people for making the first annual Founder's Day reception a reality. Especially, we are most grateful to our reception committee chairman, Senator DANIEL PATRICK MOYNIHAN, who regrettably, but understandably, cannot be with us tonight.

When we approached Senator Moynihan about our idea for this award, he agreed unequivocally that "John Brademas was the perfect choice". And, when we asked him to chair the recreation committee, he agreed—with the caveat, however, that we find a day when he could be in New York. Unfortunately, world events demand his presence in Washington.

Dr. Brademas, I hope you accept our thanks to you for having worked so hard to shape the policies of our National Government in support of many services for the disabled.

In 1973, as chairman of the Select Education Subcommittee, you were among the first persons to investigate the idea of mandating that all students with disabilities be entitled to education.

You then drafted legislation, guided it through your subcommittee, and worked towards its overwhelming passage on the floor. This legislation became P.L. 94-142—the Education for all Handicapped Children Act (recently renamed the Education for Individuals With Disabilities Act).

In July, 1975, as the House was debating, again, the measure, you referred to EHA as " . . . the most significant commitment to the needs of handicapped children, the neglect of whom remains as a great blot on the people of our society, that our country has ever known in the nearly 200 years of the country's history."

When testifying before Congress on the 10th anniversary of the passage of EHA you said that it was one of the legislative initiatives of which you were most proud.

It is a law for which we, at Fanwood, are most grateful.

After leaving Congress your efforts did not wane. New York University, under your leadership, has been at the forefront of institutions providing services and opportunities to students with disabilities.

You continued and continue to fight on behalf of disabled people by lobbying an administration proposal to include handicapped programs in the education block grant and you have called upon congressional leaders to find ways to bridge the gap for disabled youth between high school and postsecondary education.

In summary, as Congressman Brademas, you observed that children with disabilities were not receiving proper or adequate education, and you sought to change that. In much the same manner, the Rev. Dr. John Stanford sought change to help those six deaf children in an almshouse in lower Manhattan in 1817.

You prepared a bill and then secured the consensus of his colleagues; you caused the enactment of the landmark legislation. Dr. Stanford solicited the advice of other New Yorkers; conducted a census of the deaf population; and helped to establish our school—making it possible for six deaf children living in lower Manhattan to receive an education; you, 158 years later, led the effort to make it possible, indeed mandatory, for all our children who are deaf, or blind, or who have any other disability to receive an education.

For your tireless work during a distinguished 32 year career on behalf of deaf people and all individuals with disabling conditions;

For your years of service and of leadership in pursuit of doing what is "right"—first as a Member of the House of Representatives, and now as the president of New York University; for improving, time and again, the lives of deaf community;

And for your unswerving commitment and dedication to the ideal that our citizens, regardless of any disabilities, must have the opportunity to lead active and productive lives, the board of trustees of the New York School for the Deaf confers upon you the first "Honorary Founder's Day Award".

TEXT FOR THE HONORARY FOUNDER'S DAY AWARD PLAQUE

This plaque honors those whose public service and community leadership have enhanced the traditions upon which this school was founded in 1817.

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

What a pleasure it is to be part of this mini-NY reunion. The Headmaster, Tom Colasuonno, received his Ph.D. from the School of Education in 1981, and was smart enough to marry another NYU graduate, Regina Carroll, who was awarded a doctoral degree in 1984. I also see Sy Evans, a graduate of our Dental School. As I just said to Dr. Lorenze, from the VA Hospital just up the street from the Tisch Medical Center, we must be doing a good job.

Senator Moynihan, understandably, is unable to be here this evening, as I am sure he had wished. The United States Senate has reconvened, and he is in Washington at this crucial hour, as we anxiously await developments in the Middle East, as well as in the evolving crisis in Lithuania, with its deep implications for U.S.-Soviet relations.

Here I cannot fail to note Senator Moynihan's cogent and, as usual, prescient op-ed piece in today's New York Times in which he warns that, preoccupied as we are with the crisis in the gulf, "we have got to pay attention to the breakup of the Soviet Union."

I must add that everyone concerned with world affairs will find invaluable Pat Moynihan's recent book, "On the Law of Nations."

Despite global concerns, our senior Senator has never lost sight of domestic issues. Certainly we at New York University continue to be grateful for his support on key education measures and on programs to serve disabled persons.

Indeed, he was a strong supporter of last year's Americans with Disabilities Act, and he also helped obtain appropriations for research into the causes of hearing impairment.

Moreover, to assure that all his constituents can communicate with him, he has installed, in his Washington office, TDD equipment through which a deaf or hearing impaired person can, in effect, telephone Senator Moynihan.

Chairman Dean, President Hess and Headmaster Coladuonno, members of the board of trustees of the New York School for the Deaf, friends and guests, I am deeply honored to have been chosen the first recipient of the Founders' Day Award of the New York School for the Deaf.

Fanwood, as it is familiarly known, has been teaching and caring for the deaf since it was established in lower Manhattan in 1817. At its modern-day White Plains campus, Fanwood continues its service as one of the oldest and foremost schools for the deaf in the United States.

I welcome this opportunity to salute you and to bring you greetings from another venerable New York institution—one which for nearly a decade I have had the privilege of leading.

New York University, one of the outstanding urban centers of learning in the nation and the largest private university in the world, has for more than a century and a half been a place of opportunity. Not only have we at NYU welcomed immigrants and their sons and daughters. New York University, I am proud to say, is also committed to providing services and opportunities to students with disabilities.

I speak to you of the special needs of disabled persons from a dual perspective: for the past decade, as a university president who has witnessed first-hand the struggles and advances of disabled students seeking a first-class education, and before that, for many years as a Member of Congress and author of major legislation to benefit the disabled.

These measures included amendments to the Vocational Rehabilitation Act, creation of the White House Conference on the Handicapped and the National Institute on Disability and Rehabilitation Research, and, of course, the Education for All Handicapped Children Act of 1975.

Let me say a word about this last law of which I was chief sponsor in the House of Representatives. As a Member of the Committee on Education and Labor and Chairman of its Subcommittee on Select Education, I presided in the early 1970s over extensive hearings on the bill and led the effort in committee and on the floor that, after an Odyssey of two and a half years, produced a Magna Carta of education for disabled children, one I am glad to say that won overwhelming support in both the House and Senate and was signed into law by President Ford.

The Education for All Handicapped Children Act is one of the legislative initiatives of which I was then—and remain today—most proud.

Indeed, on an occasion like this, I cannot help recalling how deeply distressed my colleagues and I were to learn during our hearings that in the United States of America some two and a half million children with disabilities were not receiving an education appropriate to their needs and that nearly two million more were receiving no education at all.

The effort to assist these youngsters and other disabled persons has always seemed to me not solely a case of simple justice but a matter of conserving a neglected but valuable national resource: the minds, talents and ambitions of individual human beings.

For you and I know how foolish it is to equate deafness or hearing impairment, or other disability, with lack of ability. Education, here, as in many other cases, is the key to unlocking great potential.

Certainly, we at New York University act on that conviction.

Indeed, I like to think that what we at New York University are doing demonstrates what can be done to enhance opportunities for educating disabled persons.

In 1973, NYU created an Office of Disabled Student Services—now the Henry and Lucy Moses Center for Students with Disabilities—to coordinate services for one of the largest and most diverse disabled populations on the eastern seaboard.

For deaf students, NYU provides oral and sign language interpreters—professionals who, in addition to being certified by the Registry of Interpreter of the Deaf, must pass rigorous internal screening and review procedures.

The Moses Center also furnishes notetaking services for the Deaf.

In addition, the University offers orientation programs, workshops and personal support, and help with housing assignments. And to assist the deaf and hearing imparied to master what is, I am told, to them, a virtually separate language, the Moses Center sponsors an individually tailored writing workshop.

I note, too, that signing has become virtually the norm at NYU public events. From our annual Commencement exercises to convocations at which honorary degrees are presented to visiting heads of government, a professional sign language interpreter is integral to the program.

As we know, technological advances today promise to bring the deaf and hearing impaired into the mainstream of electronic remote communication. This effort was advanced last year when Congress passed the Americans with Disabilities Act. Beyond prohibiting discrimination against persons with disabilities in the areas of employment, public services, public transportation and public accommodations, the new law provides for telecommunications services for the deaf.

You will also be interested to know that NYU's Moses Center is to become a test site—I understand that Gallaudet University is another—for a new, privately constructed TDD, which means Telecommunications Device for the Deaf, a machine that uses graphic communication to transmit coded signals through a wire or radio. This effort should bring nearer the day when a person with a hearing or speech impairment can communicate over a wire or radio with a hearing individual.

Our Moses Center staff includes specialists in four other major areas of expertise: blind and visually impaired, learning disabled, mobility and orthopedically impaired, and chronic impairment. The services available at the center are rounded out with career development and employment counseling.

Deaf or hearing impaired students have studied at nearly all of New York University's 14 schools and divisions, including the Law School. These and other disabled students are an everyday part of the campus scene at New York University.

We are proud of our record; our goal is to keep improving it.

Our purpose at New York University, as I know is yours at the New York School for the Deaf, is to encourage an atmosphere in which all the disabled people of our land have an opportunity to live the full and rewarding life which is the birthright of every American.

Once again, thank you for the great honor you do me with the New York School for the Deaf first annual Founders' Day Award. I am deeply grateful to you.

GULF WAR HIGHER EDUCATION AND HEALTH CARE SHORTAGE ASSISTANCE ACT—S. 335

Mr. COHEN. Mr. President, I am pleased to join the Senator from Massachusetts as a cosponsor of his legislation, which is intended to help communities across the country cope with the manpower shortages they are experiencing as a result of the callup of more than 46,000 physicians, nurses, and other health care personnel for active duty associated with Operation Desert Storm. Nowhere is this situation more critical than in our Nation's rural areas, where health care providers were already in critically short supply. In these areas, the loss of one doctor, nurse, or physician assistant can be devastating.

For instance, last December I was contacted by a number of residents, including town manager Scott Seabury, of Islesboro, an offshore island in Penobscot Bay in my home State of Maine. They were extremely distressed about the callup of the island's sole medical provider, David Caron, a physician's assistant in the Army Reserves. Islesboro is an isolated island commu-

nity with a winter population of about 600, many of whom are elderly and in need of regular medical care. In winter, the Islesboro ferry runs 4 times a day, weather permitting. However, all too often the winter weather in Maine does not permit, and the island's residents are cut off from the mainland. Under these conditions, without David Caron, the residents of Islesboro are completely without access to professional medical care of any kind.

The legislation I am cosponsoring today, S. 335, will provide a measure of relief to communities, like Islesboro, that are in desperate need of emergency, short-term assistance. The bill will provide up to $50 million in Public Health Service grants to communities experiencing a health care provider shortage due to the callup of reserves for the Persian Gulf. In addition, the legislation authorizes the Secretary of Health and Human Services to: First, detail Public Health Service providers to regions where there is a shortage; second, coordinate and facilitate the voluntary placement of private sector providers and health professions faculty members in shortage areas; and third, gather and provide the Secretary of Defense with information about the scope and nature of the shortage to assist the Secretary in minimizing the disruption when health care providers are called to active duty.

The loss of essential health care personnel has also exacerbated the chronic shortages of qualified health care professionals that plague our Nation's rural hospitals. A recent article by reporter Linda Fullerton of the Portland Press Herald gives a good picture of the situation in Maine, where many rural hospitals are experiencing difficulties maintaining patient services as physicians, nurses, and technicians are summoned to active duty. I will ask unanimous consent that the article appear at the conclusion of my remarks.

Mr. President, when our country asks the members of the Armed Forces to go in harm's way, we have an obligation to ensure that they will have the best possible medical car should they suffer injuries. The health care professionals who have been called to active duty are serving a critical function in support of Operation Desert Storm. However, while it is essential that we meet the needs of the military in the Persian Gulf, we must also make efforts to ensure continued access for our civilian population to important health care services. I commend Senator KENNEDY for his leadership in this regard and urge my colleagues to join me in cosponsoring S. 335.

I ask that the article to which I earlier referred to be printed in the RECORD.

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

[From the Portland Press Herald, Feb. 1, 1991]

WAR DRAINS STAFFS AT RURAL HOSPITALS

(By Linda Fullerton)

By 6 o'clock tonight, Dr. Myron K. Krueger will have worked practically nonstop for 30 hours, treating patients at his private practice in Brunswick and helping out at the emergency room in Parkview Memorial Hospital.

The crisis that brings Krueger, an established community doctor, to work a night shift at the small Brunswick hospital is the Middle East war.

Without Krueger's help and the help of other doctors, the emergency room could not stay open 24 hours a day. Its medical director left last month for military duty in the Persian Gulf.

At Parkview and rural hospitals across Maine, a full medical staff and a good night's sleep have become early casualties of the war.

Administrators are working overtime trying to fill critical jobs, as doctors, nurses and technicians are summoned to war duty. And fulltime medical workers are sacrificing their nights, weekends and family life to help out.

At risk are key patient services and the hospitals' economic stability.

Although city hospitals face similar losses of medical staff, one or two highly skilled workers leaving a small, rural hospital can cripple services.

"Obviously we strongly support the medical people being called to serve their country," said Bill Flagg, community relations director at Cary Medical Center in Caribou. "But northern Maine is not the easiest place to bring new workers to in the winter. This is going to be a difficult time for us."

In Maine and across the United States, rural hospitals already are dealing with chronic shortages of medical workers and with fragile services that rely on a small, highly committed staff to operate. Additional loss of staff only complicates their problems.

The Maine Hospital Association estimates that most all of the state's 31 small hospitals—those with fewer than 100 beds—have lost at least one worker to the war. To compensate, some community hospitals are delaying elective surgery, buying new, high-tech equipment and trying to find temporary help through national employment agencies that provide medical workers.

In Caribou, the 65-bed Cary Medical Center lost its X-ray technician and head pharmacist to the Air Force. The jobs are not likely to be filled soon.

Flagg said that temporary-help agencies already are tapped because of the war, and it typically takes Cary from two to four years to recruit new skilled workers to relocate to the far reaches of Maine.

Likewise, Parkview's emergency room only became fully staffed in December, after expanding to 24-hour care several years ago. But in January, Dr. Peter DiPietrantonio, the new physician-director, was called to military service.

Parkview quickly named an acting director, paid staff physicians to work overtime, and hired temporary doctors at $50 an hour to keep the emergency room running.

Despite these efforts, Norman L. McBride, the hospital president, worries. "Our medical director has only been here a year, and to lose him when we're just beginning to build his department is tough. Our patients know him, and have come to rely on his care and supervision. This is a real blow to us," McBride said.

At Miles Memorial in Damariscotta, the hospital is trying some innovative ideas for dealing with the loss of its radiologist.

THE SENTENCING OF CHINESE PRO-DEMOCRACY ACTIVISTS

Mr. DIXON. Mr. President, the Government of the People's Republic of China has ever so quietly conducted trials against many of the pro-democracy activists involved in the movement so brutally crushed by the People's Republic of China's own tanks in Tiananmen Square.

Reports of trials commencing against some of the leaders of the movement continue. One by one, the People's Republic of China is systematically eliminating some of the leaders of the pro-democracy movement, and perhaps more tragically, the potential leaders of a better, democratic China.

Mr. President, these trials bear no resemblance to anything you or I would recognize as a trial. According to a recent Washington Post article, "defendants are under enormous pressure to confess * * * furthermore * * * many of the defendants (are) forced to use government-appointed lawyers, who (are) barred from pleading not guilty."

While 3 pro-democracy defendants recently were "convicted but exempted from punishment," and 18 defendants were "released without trial," numerous defendants have received prison sentences, and others await their fate.

None of these individuals should have been charged in the first place. Their "crime" was to advocate peaceful transition to democracy. Their "crime" was to stand in front of tanks and demand an end to the economic, political, and psychological oppression that constitutes life in the People's Republic of China. Their "crime" was to dream of freedom.

I share their dream and their goal.

The Chicago Tribune, in a January 17, 1991, editorial, called attention to the case of Ren Wanding. Ren, an accountant by trade, was a major figure in the democracy movement of 1978–79. He spent 4 years in prison for his "counter-revolutionary" activities then, and now has been sentenced to a 7 year term for his minor role in the pro-democracy movement of 1988–89, charged with "grave crimes." According to the New China News Agency, the reason his sentence was so harsh, was that he "showed no repentance."

For what should he have shown repentance? Nothing, Mr. President. Nothing.

Today's Washington Post editorial correctly calls the People's Republic of China to task for their repression of Ren and others, and this administration for its sorry record on this issue. The administration must declare in no uncertain terms that all pro-democ-

racy prisoners be released immediately.

The Government of the People's Republic of China has attempted to carry out its goal of stifling and eradicating the pro-democracy movement while at the same time trying to avoid the international spotlight by handing down sentences lenient by Chinese standards. They cannot have it both ways.

The act of charging these students and workers for exercising their internationally recognized human rights is unwarranted. Commencing trials that make a mockery of international standards of justice is unconscionable. Sentencing these individuals is contemptible.

The use of the Chinese political-judicial system to systematically suppress the pro-democracy movement necessarily affects the Sino-United States relationship. It raises profound questions as to whether the United States should continue to reward the People's Republic of China with generous trade benefits. As a result of these trials, should our relationship continue as business-as-usual?

I believe the People's Republic of China is betting that they can continue to pursue their goal of crushing all remnants of the pro-democracy movement, without having to pay any price for such actions, while world attention is focused on the gulf.

Mr. President, such action does carry a price. The People's Republic of China must know that. Our attention is properly on our men and women in the gulf, but we must not be blind to those who try and take advantage of the situation. Unless China begins to grant basic human rights to all its citizens, the Congress will have scant reason to reward Beijing with continued favorable trade treatment.

I, joined by Senators SIMON, D'AMATO, and LEVIN, am circulating a letter to all my colleagues urging the President to condemn these trials and calling upon the Chinese Government to release all political prisoners. I urge my colleagues to sign this letter and assert our concern about Ren Wanding, Chen Xiaoping and all the others languishing in Chinese prisons and awaiting trial for exercising their basic human rights.

I thank my colleagues.

I ask unanimous consent to submit a copy of the Washington Post article and editorial, and Chicago Tribune editorial and ask that they be printed at this point in the RECORD.

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

[From the Chicago Tribune, Jan. 17, 1991]

REN WANDING: REMEMBER HIM

Ren Wanding.

The authorities who run the Beijing Intermediate People's Court don't want you to remember that name. And the handful of China's real powerholders definitely don't want you to remember, much less care about Ren. They prefer that you ignore the trials of pro-democracy activists that began in the first two weeks of January, a year and a half after Tiananmen Square was shut down.

Ren Wanding, Guo Haifeng, Yao Junfing, Chen Lai, Li Chenghuan, Liu Zihou, Bao Zunsin, Wang Haidong—all are charged with various "counterrevolutionary" acts, except Liu, accused of armed rebellion.

They are among 17 people put on trial recently in connection with the demonstrations that ended violently on June 4, 1989. Seven others received prison terms of two to four years—fairly light sentences—and two additional activitists, though convicted, were freed.

Ren Wanding.

The Chinese authorities also hope you don't recall Ren from the 1978–79 Democracy Wall movement, when democratic ideas bloomed in big-character posters stuck to a Beijing wall. Ren spent four years in prison for his audacious advocacy back then.

Ren Wanding.

Those in charge in China expect you haven't read what the 46-year-old accountant wrote in 1988: "Time will prove our innocence and that we have committed no errors. The people will always remember those who have sacrificed themselves for the sake of democracy and socialism since 1949."

Ren Wanding.

Human rights pressures from abroad and the Chinese leaders' eagerness to push "the June 4 incident" to memory's vanishing point probably will help to limit the harshness with which pro-democracy demonstrators are being treated. But the relative leniency may not carry over to incorrigible liberalizers like Ren, who, despite his years in jail, spoke out in behalf of political prisoners in 1989. He could get a term of 15 years, or even death, though that seems unlikely.

Ren Wanding.

Let his name stand for all China's political prisoners. Remember them all through him.

Remember. Because the Chinese authorities hope you won't.

[From the Washington Post, Jan. 25, 1991]

CHINESE ACTIVISTS SENTENCED

(By Lena H. Sun)

BEIJING, January 26.—Wang Dan, the most prominent student leader of the 1989 democracy movement, was sentenced to four years in prison today for his role in the protests, while one of China's veteran dissidents, Ren Wanding, received a seven-year term because he "showed no repentance," the official New China News Agency reported.

The two were among 26 activists whose cases were settled today in the second major round of proceedings against students and intellectuals accused of playing key roles in the demonstrations, which were crushed by the army on June 4, 1989.

Five activists received prison terms, three were convicted but exempted from criminal punishment, and 18 were released without trial, including one student leader who was on the government's 21-most-wanted list.

The sentences handed down today by the Beijing Municipal Intermediate People's Court are considered fairly lenient by Chinese government standards. By international human rights standards, however, most of the activists, who were exercising basic rights of free speech and assembly, deserved no criminal punishment.

Wang, a Beijing University history student, headed the government's most-wanted list of student leaders. He went on trial Wednesday on charges of counterrevolutionary propaganda and incitement, and the proceedings lasted three hours, Chinese sources said. His parents were not notified until the morning of the trial.

Today's official news agency account said Wang "committed serious crimes but has shown such repentance as confessing his own crimes and exposing others." The government's claim may have been an attempt to discredit Wang with the country's pro-democracy forces and eliminate his effectiveness as a leader in future movements.

Longtime human rights campaigner Ren received the most severe sentence today. Ren, who began his trial Jan. 8 on the same charges as Wang, "was found guilty of grave crimes and showed no repentance," the news agency reported. An accountant in his mid-forties, Ren was a major figure in the democracy movement of 1978–79, but played only a relatively minor role in the seven weeks of mass protests that began in the spring of 1989.

Under the Chinese judicial system, which is controlled by the Communist Party, defendants are under enormous pressure to confess, for which they may receive leniency, while those who resist are dealt with severely. Furthermore, according to Chinese sources, many of the defendants were forced to use government-appointed lawyers, who were barred from pleading not guilty.

In the 19 months since the army killed hundreds of people to crush the protests, the authorities have concentrated on trying and sentencing workers or unemployed people involved in the movement.

This second wave of prosecutions, begun three months ago, is considered politically more sensitive because it is directed at students and intellectuals whom the government has identified as top leaders of the democracy movement.

These trials represent "the government's symbolic decapitation of the 1989 pro-democracy movement," according to a report by Asia Watch, a New York-based human rights organization.

The Chinese government, which came under international sanctions for the army attack on protesters, is apparently pressing the trials now to take advantage of the world's preoccupation with the Persian Gulf war.

The authorities also have been concerned about domestic political currents, and the timing of the trials indicates that they believe the situation inside the country has stabilized, analysts said.

Even though the government today announced the release of many of the accused and exempted some from "criminal punishment," most of the individuals have been incarcerated for more than 18 months without formal charges. All of the sentences handed down today included time already served.

Others who received sentences today include Bao Zunxin, a philosopher in his fifties who argued against martial law, and Guo Haifeng, a Beijing University student who knelt on the steps of the Great Hall of the People to submit a petition to the government. Bao, who also was reported to have "repented" by the news agency, was sentenced to five years. Guo was convicted of counterrevolutionary sabotage for attempting to set fire in an armored vehicle, and was sentenced to four years in prison.

Of the three who were convicted but exempted from punishment, the most prominent is university lecturer and literacy critic Liu Xiaobo. He returned to China in April 1989 from the United States, where he had

been a visiting scholar at Columbia University. Liu's trial on charges of counterrevolutary propaganda and incitement began last week. The news agency said he "committed serious crimes but has achnowledged them, showed repentance and performed some major meritorious services."

The agency did not elaborate, but Liu's "meritorious services" probably refers to the night of the Chinese army attack, when Liu helped persuade student protesters to peacefully leave Tiananmen Square and negoitiated with the army to allow them to retreat.

The 18 who were released without trial include three university lecturers, Lu Jiamin, Liu Suli and Chen Po, and two student leaders, Xiong Yan and Zhou Yongjun.

Several prominent intellectuals who the government claims were the movement's hard-core organizers are awaiting trial and are likely to receive harsh sentences.

The official news agency's account said the hearings were public, attended by more than 300 local residents, with lawyers defending the accused. But admission to the trials was closely controlled by authorities, and closed to foreign reporters and diplomats.

[From the Washinigton Post, Feb. 6, 1991]

TIANANMEN SQUARE

China is using the general preoccupation with Iraq to dispose of the cases of the dozens of detainees left over from its forcible suppression of the nonviolent democracy movement a year and a half ago. Earlier, the Chinese "political-legal system"—nice phrase that—sent up those accused of violent acts. The current crop includes intellectuals and students accused of, among other offenses, "counter-revolutionary rebellion," which is Chinaspeak for the exercise of basic rights of speech and assembly Beijing's dilemma is to deal with them not only as individuals comprising the brain trust of a challenging political movement but as representatives of a class essential to the health of the society. Some detainees are being released as "repentant." Others, including some who specifically sought to avert bloodshed, are being prosecuted and put in prison. But some combination of leniency and toughness, it seems, the authorities hope to close the books on Tiananmen Square.

It can't be done. The Chinese government lost its nerve, lost its sense at Tiananmen and conducted a savage reprisal against unarmed people, killing hundreds and creating a classic metaphor for late-20th century Communist repression. That this happened under a senior party leader, Deng Xiaoping, who himself, had suffered for earlier dedication to reform only makes the default more grievous. The Chinese leadership is now attempting to govern without even the indirect consent of huge swathes of its population. It is choking off the civic contribution of some of its worthiest citizens. It is proceeding on the discredited theory that economic change can be advanced apart from political change. No one can say how many more years China must pay for this decision to put elite's power over the people's interest.

Naturally, the authorities would like others to help them ease back into international routine. Here the Bush administration has a sorry record. It has shown itself ready to pay in major diplomatic and economic coin for Chinese political acts (accommodating American policy in Iraq, for instance) for which Beijing had its own reasons and for which Washington should not have paid at all. Blood is not flowing in Beijing these days, but the people who spoke out for freedom there remain in distress. A moment when the Chinese government, itself thoroughly "unrepentant," is doling out class justice is no time to forget the brave victims of Tiananmen Square.

U.S. SENATE,
Washington, DC.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing at this time of urgent concern about China's continuing persecution of pro-democracy leaders. We urge that you put China on notice that actions it takes to improve human rights and release political prisoners will affect decisions on renewal of most-favored-nation trade status.

We are alarmed in particular because of the recent convictions and sentencing of seven persons who, as the State Department stated on January 8, "were guilty of nothing more than the peaceful advocacy of democracy. . ." These persons were apparently charged, tried and convicted for actions which under the Universal Declaration of Human Rights, "any person should be allowed to take without fear of punishment." We also agree with the State Department that "No sentence of any length on purely political charges can be characterized as lenient."

While the world's attention is focused on the Middle East, China apparently intends to hide behind the Persian Gulf crisis to "convict and sentence" in the next several days or weeks other peaceful pro-democracy advocates. We urge you in the name of the American people, to add your personal condemnation to the State Department's protest.

We hope that the Chinese government would respond positively if you express in a personal communication, as the State Department already has stated, the hope that "anyone convicted solely for the exercise of their right peacefully to express their views will be released and that . . . other political prisoners now held for non-violent activities protected by the Universal Declaration will be released without having to stand trial."

It is also important that any "trials" be held in public, open to the world press and international observers in order to cast international scrutiny upon the Chinese judicial process.

Mosty urgently, we hope that you will join us in making clear to the Chinese government that the American people expect the release of all pro-democracy prisoners and compliance with the Universal Declaration of Human Rights.

We do not intend to allow China to use a public relations campaign of "lenient sentences"or the release of a handful of political prisoners to mask the reality that hundreds if not thousands more continue to languish in prison.

Mr. President, we are aware of the burdens of your international responsibilities at this time. We are writing you with a sense of urgency because the actions which you and we take in the next few days may be critical to the fate of hundreds of pro-democracy leaders now detained in China's prisons.

We fervently hope that the American people will speak with one voice on this matter of vital interest to the community of nations.

Sincerely,

ALAN J. DIXON,
PAUL SIMON,
ALFONSE M. D'AMATO,
CARL LEVIN,
U.S. Senators.

SOUTH KOREA'S TRADE BARRIER TO MAINE WILD BLUEBERRIES

Mr. COHEN. Mr. President, at a time when Members of Congress and the people of the United States are being asked to reduce or eliminate what few trade tariffs we have, I think it is important that we carefully scrutinize the actions of our trading partners.

Before the United States—the most open market in the world—should surrender anything else in our international trade negotiations, I think we should compel our trading partners to first measure up to our standard of openness.

During my tenure in Congress, I have seen many examples of unfair trade practices—several of them involving Maine companies which were being denied access to foreign markets.

Last week, the most recent example of a Maine company being shut out of a foreign market came to light when I learned that South Korea would not allow Maine blueberries to be imported.

Such a blatant trade barrier by South Korea will come as little surprise to those of you who will recall that just last fall a quasi-governmental agency in South Korea distributed over a half-million comic books to South Korean school children, entitled "Body and Soul," which urged families not to buy imported food.

The comic book portrays a teacher telling his students that foreign-produced food is poisonous and radioactive.

This comic book seems to be symptomatic of an officially inspired campaign against imports in South Korea.

In a December 6 article in a major South Korean daily newspaper, for example, readers were told that the following food items exported by the United States are known to be extremely harmful potatoes, beef, oranges, tomatoes, apples, spinach, peaches, pork, wheat, corn, and grapes.

This is indicative of the recent propaganda aimed at deterring U.S. imports and restricting free trade.

Now I have learned that South Korea will not allow frozen blueberries to be imported unless they are accompanied by what is known as a phytosanitary certificate.

Phytosanitary certificates are used by exporters to certify that their fruits and vegetables contain no plant pests.

By international agreement, however, phytosanitary certificates are not required for frozen products because the freezing process kills any plant pests that may have been associated with the products.

No country in the world requires phytosanitary certificates for frozen products—except South Korea. South Korea's requirement is nothing more

than a trade barrier masquerading as a health issue.

There is no legitimate reason to require a phytosanitary certificate for frozen blueberries. South Korea's requirement of such a certificate is nothing but a thinly veiled attempt to restrict United States imports.

The United States should not tolerate this blatant trade barrier. It is an affront not only to Maine blueberry growers but to every exporter of any U.S. product.

Several weeks ago President Roh of South Korea announced a new commitment to resolving trade disputes between the United States and South Korea. I appreciate President Roh's commitment in this regard, but the actions of South Korea will speak much, much louder than its words. I invite President Roh to put his words into deeds by dismantling this newest trade barrier.

Meanwhile, I have requested the Secretary of Agriculture and the U.S. Trade Representative to investigate this matter fully, and I urge my colleagues from States which export frozen fruits or vegetables to join me in this effort.

TRIBUTE TO OSCAR GOODMAN

Mr. REID. Mr. President, I rise today to honor Oscar Goodman, my friend and fellow Nevadan. Together with many friends and colleagues, I salute Oscar's 25 years of service as a criminal defense attorney.

After earning his juris doctor degree from the University of Pennsylvania, Oscar began his career as the chief deputy public defender for Clark County, NV. In 1967, he began a private practice which continues to flourish today.

In addition to providing the essential service of criminal defense, Oscar has always given his time, materials and energy to the legal community: 1968–69, Oscar served as director of the Nevada Trial Lawyers Association; 1969–70, president of the Southern Nevada Trial Lawyers Association; 1973, chairman of the Criminal Law and Practice Committee in 1976–78, chairman of Lawyers' Assistance Committee; and 1980–81, president of the National Association of Criminal Defense Lawyers.

Oscar has also shared his experience with law students. He served as a principal speaker for the Lou Ashe Memorial Symposium, McGeorge University Law School; faculty member, National College of Criminal Defense Lawyers in Houston, TX, and Practising Law Institute; lecturer, University of Nevada at Las Vegas, Old College School of Law in Reno, NV, Pepperdine University in Malibu, CA, and at his alma mater, Haverford College.

Furthermore, Oscar has been named one of the Nation's top trial lawyers by the National Law Journal, as well as being named in "The Best Lawyers in America," "Who's Who in American Law" and "Town & Country, Guide to the Best Lawyers in America."

Oscar and I began practicing law at the same time in southern Nevada. We worked in the same courts, practiced before the same judges, worked the same long, hard hours it takes to prepare cases for trial.

Just yesterday I was approached by an employee of the Senate Rules Committee. He asked if I knew Oscar Goodman. He then proceeded to tell me that the finest speech he had ever heard delivered in the Nation's Capitol was by Las Vegas attorney, Oscar Goodman. The speech to which he referred was part of Oscar's defense of someone Oscar represented before the U.S. Senate.

Though we hear much about Oscar's legal prowess, I believe his greatest accomplishment has been as a family man. He and Carolyn have four great children.

I am fortunate to call Oscar my friend.

ANNUAL COUNTRY HUMAN RIGHTS REPORT

Mr. DOLE. Mr. President, last week, the State Department released its annual country human rights report. While it provides ample proof of dramatic improvements in human rights in most of Eastern Europe, it also reveals evidence of serious troublespots—areas where the situation is steadily and rapidly worsening.

One of those worrisome areas is the province of Kosova in Yugoslavia. According to the report, while there were significant advances in human rights in most of Yugoslavia—specifically, in those republics that elected non-Communist governments last year—in the province of Kosova, authorities of the Republic of Serbia continued an intensified repressive measures against the Albanians who live there. These Albanians represent 92 percent of the total population of Kosova.

Last year, thousands of Albanians were arrested for political reasons, tens of thousands of Albanians were fired for political reasons, and hundreds of Albanians were injured as a result of police violence. At least 30 Albanians were killed over the past year, as well.

While these numbers may seem astounding to those who haven't closely followed events in Yugoslavia, they are not surprising to those of us who have watched the Serbian government systematically eliminate the rights of the Albanians in Kosova. The State Department's report provides a solid account of the police state that exists in Kosova.

I want to bring to the attention of my colleagues some of the repressive and inhumane measures that have been taken against the Albanian majority in Kosova and that are documented in the State Department's report:

Arbitrary arrest, detention and imprisonment under trumped up criminal charges.

Brutality by Serbian police and prison guards.

Random violence by Serbian police.

Denial of fair trial.

Ethnic discrimination and ethnic bias in the judicial system: Most ethnic Albanian judges were replaced by ethnic Serbs. Moreover, 160 out of the 190 political prisoners in Yugoslavia in 1990 were ethnic Albanians.

Invasion of privacy.

Use of excessive force by police authorities: I witnessed this when I visited Kosova last August. About 10,000 peaceful Albanians who gathered in the capital of Pristina to greet our Senate delegation were forcibly dispersed by police with tear gas, water cannons and clubs. This incident is discussed in the State Department's report.

Severe restrictions on freedom of speech and press: Albanians are arrested for peacefully expressing their political views. They are even arrested for holding up two fingers in a "V for Victory" sign. In addition, all Albanian-language radio and TV broadcasts were halted and the largest Albanian newspaper was shut down.

No freedom of assembly.

Limited freedom of religion: A leader of the Islamic community was killed in front of his home and the house of an Albanian Roman Catholic bishop was ransacked.

Limits on freedom of movement: passports have been confiscated or denied to Albanians—especially those who are politically active. Some Albanians have obtained passports from Croatian authorities in order to travel outside of the country.

No right to change the Government in Kosova: over the past year, Serbian authorities eliminated local self-government in Kosova; the legislature was suspended as were other government bodies. And, although elections were held in the Republic of Serbia, the Albanian democratic alliance boycotted the elections in view of the fact that there were no guarantees of fair treatment. Indeed, Serbian election laws deny registration to any party that does not accept the "territorial integrity of Serbia"—this is aimed against Albanian democratic parties who have called for self-rule in Kosova and republic status for Kosova within Yugoslavia.

Mr. President, the list goes on and on. The human rights situation in Kosova is deplorable and has raised serious concerns among human rights organizations. In fact, the International Helsinki Foundation sent a delegation to Kosova in September to investigate. Unfortuantely, this delegation was detained by Serbian police and then expelled. Clearly the Serbian Govern-

ment does not respect the rights of citizens from other countries either. Let us not forget that a young American was arrested in Pristina, the day I visited, and was imprisoned for about 30 days.

Mr. President, I think it is important to note, however, that it is not only the Government of the Republic of Serbia that should be held accountable for this disturbing situation. The Yugoslav Central Government is also responsible as a signatory of the Helsinki accords.

Mr. President, as long as the Albanians in Kosova continue to live in a police state, as long as the Albanians in Kosova are denied their rights, the United States should not and must not do business as usual with the Government of Yugoslavia or the Republic of Serbia. The United States must actively promote the spread of democracy in Yugoslavia; it cannot do so if it conducts business as usual with the Central Government and with the Republic of Serbia.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. May I inform the Senator the period for the transaction of morning business is closed.

The Chair recognizes the Senator from Missouri.

Mr. BOND. I ask unanimous consent to proceed as in morning business for a period not to exceed 4 minutes.

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

(The remarks of Mr. BOND pertaining to the introduction of S. 390 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I ask unanimous consent to speak briefly as in morning business.

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

MASS TRANSIT AND THE BUDGET

Mr. DIXON. Mr. President, I am delighted to have this opportunity to speak in morning business when the distinguished senior Senator from Pennsylvania is still on the floor because he and I have served on the Banking, Housing, and Urban Affairs Committee together for many years, and I have observed over those years his interest in supporting the needs of major cities in his State, such as Philadelphia and Pittsburgh.

I want to take this opportunity to express my deep and profound concern about certain matters in the President's budget, because, while I applaud what he is trying to do concerning broadening support systems for transportation generally—and I am exceedingly fond of his Secretary of Transportation, Sam Skinner, who I think is an outstanding man—I am very concerned about the continuing lack of interest by this administration and the prior administration, spanning the last decade, in the mass transit problems, particularly in major urban areas in America.

When the press in my State asked me what I thought about the fact that this budget suggests doing away with operating expenses for mass transit systems in municipalities in America of over 1 million people, I said I thought that the Chicago Transit Authority people in Chicago would have a conniption fit.

I remember my Grandma Tebbenhoff always used the expresson "conniption fit," so I used it and they printed it on the front page of the newspaper. I thought, I want to look up the definition of conniption afterwards, and I did see by Webster's dictionary that conniption is defined as an emotional fit. So I guess conniption fit may be overstating the case. That is a fit fit.

But I think it is outrageous for the administration to continue to turn its back on the working poor and the ordinary citizens of this country who take mass transit to work and who, incidentally, by doing that prevent automobiles from clogging up the traffic in the great urban centers of America to the extent you could not move around at all.

It will cost the city of Chicago $40 million for the support of its mass transit system if this budget in its present form passes—$40 million. As I speak, the CTA is already considering raising fares because it cannot pay for transportation out of the fare box, and the administration discusses taking away another $40 million.

I have an editorial from the Chicago Tribune. I want to read it and print it in the RECORD, Mr. President. It is entitled—and this is the Chicago Tribune, one of our great national newspapers—"Bush Budget Sidetracks the CTA."

"U.S. Senator Alan Dixon predicted that Chicago Transit Authority officials would have a fit"—I notice they do not say a conniption fit—"when they saw the transportation portion of President Bush's proposed budget."

It was a pretty sound prediction. Though he still managed to show restraint, CTA Executive Director Alfred Savage was right when he decried the budget as pointing in the wrong direction. If anyone has fits about the proposal, it should be the CTA's riders, who as a result face the prospect of higher fares, reduced service or both.

The budget increases the overall Federal investment in transportation.

I have said I like that.

But the CTA and mass transit generally take a clobbering. Bush again proposes eliminating operating subsidies for mass transit, which could cost the CTA more than $40 million, and the agency could lose about $12 million more in capital grants.

This couldn't come at a worse time for the CTA. Faced with rising labor and fuel costs, massive investments in new buses and system repairs, and other expenses such as automating its fare collection system, the agency already was considering a 10 percent fare increase next year.

Ten percent, Mr. President, on the working poor of America who leave their little neighborhoods and their poor little homes to go downtown and work in the most menial task, Mr. President, for a pittance.

Now it may have to consider even higher fares. It also will have to consider service cuts. The combination could mean fewer riders.

Metra, the commuter rail service, and Pace, the suburban bus service, also would suffer, though not as dramatically.

It is the message symbolized by these cuts that is unsettling. It truly is a wrong direction—a reduced emphasis on mass transportation by the Federal Government when major cities around the country are trying to cope with maddening escalation in traffic congestion. Mass transportation deserves more emphasis as part of a coordinated solution.

Mr. President, the Tribune says it all, as they so often do.

I ask unanimous consent that the full editorial be printed in the RECORD.

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

[From the Chicago Tribune, Feb. 3, 1991]

BUSH BUDGET SIDETRACKS THE CTA

U.S. Sen. Alan Dixon predicted that Chicago Transit Authority officials would have a fit when they saw the transportation portion of President Bush's proposed budget. It was a pretty sound prediction.

Though he still managed to show restraint, CTA Executive Director Alfred Savage was right when he decried the budget as pointing in the wrong direction. If anyone has fits about the proposal, it should be the CTA's riders, who as a result face the prospect of higher fares, reduced service or both.

The budget increases the overall federal investment to transportation, but the CTA and mass transit generally take a clobbering. Bush again proposes eliminating operating subsidies for mass transit, which could cost the CTA more than $40 million, and the agency could lose almost $12 million more in capital grants.

This couldn't come at a worse time for the CTA. Faced with rising labor and fuel costs, massive investments in new buses and system repairs, and other expenses such as automating its fare collection system, the agency already was considering a 10 percent fare increase next year. Now it may have to consider even higher fares. It also will have to consider service cuts. The combination could mean fewer riders.

Metra, the commuter rail service, and Pace, the suburban bus service, also would suffer, though not as dramatically. It is the message symbolized by these cuts that is unsettling. It truly is a wrong direction—a reduced emphasis on mass transportation by the federal government when major cities around the country are trying to cope with maddening escalation in traffic congestion. Mass transportation deserves more emphasis as part of a coordinated solution.

The Chicago area could benefit from another portion of the Bush budget, the provi-

sion to establish a 150,000-mile network of "highways of national significance." The details won't be clear until the administration outlines its new surface transportation proposals, but this could translate into more money for reducing traffic congestion on important local roads.

That would be commendable. But it makes little sense to pursue one policy to improve overcrowded highways and discourage another that would help keep people off them.

Mr. DIXON. Mr. President, let me say this in conclusion. This is part of a large scheme of things. In the decade I have been here, I have seen these support systems repeatedly removed so that urban America is at risk.

There is a great mayoral campaign going on in Chicago right now that will shortly be concluded. But the challenges are so awesome out there that I sometimes wonder how these mayors do the great jobs most do. This is a very, very serious problem for urban America. And I hope my colleagues on both sides recognize that. I do want to say about my friend from Pennsylvania who is here, my general recollection of his past contributions has been that he is sensitive to it, and I appreciate that.

If I may conclude that and just go to one other subject matter for a moment. I see my distinguished colleague from Illinois here. I would like to make a brief comment about Lynn Martin, since I will be off the Hill from 12 to 1 and her confirmation consideration may be taken up then. I ask unanimous consent to do that.

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

NOMINATION OF LYNN MARTIN

Mr. DIXON. Mr. President, if there is a vote on Lynn Martin between 12 and 1, I of course am going to return to the Hill.

Today, the Senate will take up the confirmation of Lynn Martin of Illinois as Secretary of Labor in this administration. She is an old and dear friend, Mr. President. As I said when I appeared on her behalf in committee, old Sam Rayburn once said that nobody ought to hold a seat in the Congress unless they serve at least one term as the elected chair for their home county. The point being that all of us ought to have some experience in the Government before we come here to put our final imprint on the Government.

Lynn Martin has that kind of sound background. I have known her for years. She was on the county board, an elected member of the county board in Winnebago County, where the biggest city in the county is Rockford, IL, one of the big cities in our State. She served in the Illinois House of Representatives and in the Illinois Senate where she was a distinguished member and so highly regarded by her colleagues and friends there that President Phil Rock of the Illinois State Senate, one of the leading Democrats in my State, considers her one of the outstanding people he served with in public service.

She served as a Congresswoman from our State for 10 years, was elected to the Congress in 1980, when I had the honor of coming here as a new U.S. Senator. She is a person who is willing to always do more than her share of the work. Our congressional delegation meets on a regular basis every month. Lynn Martin never missed a meeting. We have an Institute for Illinois which works with academics and business groups in our State to try to advance the interests of Illinois in matters that happen or are considered here in the Congress. Lynn Martin served on the Institute for Illinois as an officer and as a member of the board of directors. She is a person who has always carried more than her share of the load. I consider her a fine public person. I am delighted to support her nomination for the office of Secretary of Labor.

I thank my colleagues, Mr. President, particularly the majority leader, particularly my colleague from Illinois who was opposed by Lynn in the last senatorial campaign, for expediting the fact that she would be considered this week so that she could be confirmed as Secretary of Labor in time to go down to Florida at the great labor convention of the AFLP–CIO and visit with those folks and come to understand their problems as working men and women in America present their cases to the newly confirmed Secretary of Labor.

So I am delighted to say these remarks on behalf of an old and dear friend who, I suggest, will perform excellently in her new post and to suggest, Mr. President, that I will vote for her confirmation. I urge my colleagues on both sides to vote favorably. I hope that Lynn Martin can have the high honor of being confirmed unanimously by the Senate when she is considered today.

I yield the floor. I am delighted to see my colleague from Illinois here.

Mr. Simon addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to speak out of order for 2 minutes also on the Lynn Martin nomination.

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

NOMINATION OF LYNN MARTIN FOR SECRETARY OF LABOR

Mr. SIMON. Mr. President, I join my colleague from Illinois. I am tied up in a meeting of the Senate Foreign Relations Committee so I may not be here on the floor when this nomination comes up for consideration.

I know there are those on this side of the aisle who have some questions, and the reality is we do not have a Democratic President of the United States. George Bush is the President of the United States. We are not going to get a Secretary of Labor like Ray Marshall, for example, under a George Bush administration. But I think the Members will find that Lynn Martin is open. She is willing to work with us. She understands Congress. As my colleague from Illinois, Senator DIXON mentioned, we just had a major political confrontation. On maternal leave, for example, she voted to override the President's veto.

I think we will find that while she is new to the field of labor relations, she is willing to work with us, willing to work with leaders of labor, willing to work with leaders of industry to try and help shape some consensus so we can move forward in some of these areas that are so important to the working men and women in this country.

So I am going to be voting for and supporting Lynn Martin, as I indicated to the Democratic caucus a couple of days ago. Thank you, Mr. President, and let me add my thanks to Senator RIEGLE for permitting me to speak out of order.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I ask unanimous consent to speak as if in morning business for as much time as I may consume, probably 10 minutes or so.

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

Mr. RIEGLE. I thank the Chair.

GROUND COMBAT IN THE PERSIAN GULF

Mr. RIEGLE. Mr. President, I am moved to come to the floor to speak because of remarks that I have heard made by the Senator from Maine [Mr. COHEN] the last 2 or 3 days reflecting his concern about the apparent possibility of the commencing of a ground combat war in the Persian Gulf led by American forces. As I share those concerns and have the same concerns, I want to add my thoughts today to those that he has expressed as have others who have felt compelled to comment on this issue.

Yesterday, many of us attended a classified military briefing conducted by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. We are not at liberty, of course, to discuss the content of those briefings, but the briefing went on for an hour. These are very dedicated and able and determined men, with positions of awesome responsibility. They indicated to us the status of circumstances out in the war zone. As we know, they have just been designated by the President to go out and do a review to try to size up the situation at this time and how the rest

of the American/allied plan for the war is to unfold.

I must say, not just with respect to hearing those comments yesterday but reading and taking in all of the other information that I can find, there seems to be a push, almost an inevitability that we will see an American-led ground combat operation take place sometime soon, perhaps within a matter of days or even a short number of weeks. I do not know that that is the case, and I do not know that it is an inexorable kind of next step that will come, but that is the feel one gets. That is the look that it has. The dynamics seem to be moving us that way. I am very much of the mind that we ought to exercise every military and nonmilitary option open to us short of initiating a ground combat war in that area.

I recall a conversation that I had here on the floor of the Senate during the debate over the authorizing legislation on this matter with the chairman of the Armed Services Committee, Senator NUNN. I asked Senator NUNN at that time, if a ground combat war starts in a full-scale way out in northern Saudi Arabia and into Kuwait to liberate Kuwait, what percentage of those combat forces would be American. And his answer here on this Senate floor for the public record was that over 90 percent of the combat forces would be American forces. Of course, that raises the question I think in every thinking person's mind: Why is that? If this is a matter of great consequence for the world, and we are there in behalf of the U.N. resolutions and so forth, where is the rest of the world? Why are they not out there with us?

Of course, some are in a very limited way, and we are getting some help from the British and some help from the French and some help from the Egyptians, but it is a very short list. The help, albeit important help, is very limited. The fact that over 90 percent of the combat forces that would be sent over the line to liberate Kuwait are American tells us that there really is not very much burden sharing going on in terms of the military force side of this effort.

There is also the financial side, and I will come to that in a minute because we are not getting very much help there either, quite frankly. But I am much more concerned about our servicemen and women who are out in that combat zone, and who deserve the full support of this country, and ought to be given everything that we can provide to enable them not only to carry out their work but to protect themselves and to see that as many as possible can come home at some point safe and sound. That objective I think has to be put right at the top of our list.

I realize there are a lot of other countries around the world that think the war ought to be fought, but they are not willing to fight it with their people. They are willing to fight it with our people, but not with their people.

So the Japanese, of course, are not sending any combat forces into this war zone, and the Germans, of course, are not sending any combat forces into this war zone because they just are not prepared to do that.

I have spoken before about a case of a woman with whom I spoke in my hometown of Flint some months ago who has three sons in the Marine Corps, all stationed out in this war zone area. I was so struck, when she introduced herself to me and we spoke, that any one family would have as many as three sons or daughters—in this case sons—out in this military situation. I have thought about it every day since, because it occurs to me that if a German family would send a son and a Japanese family would send a son, then two of her sons could come home; and she would just have one son there, and we would have some real burden sharing in behalf of the free world. But that is not the lineup. That is not the lineup that we see. That is why I have a great sense of unease and reluctance about seeing a combat war start on the ground that is going to be conducted essentially by American forces.

I do not think it is fair, and I do not think it is sound, that we have gotten ourselves in a situation where that is what we are facing at the present moment.

So like others have said, I hope we will use all the resources at our command short of ground combat initiative to try to accomplish the objectives that the President has set out for our country.

Now, when this Senate voted, we voted by a very narrow margin to provide the President with the legal authority to initiate the war in the Persian Gulf, which he has now done. The vote here in the Senate was 52 in favor, 47 not in favor and instead in favor of a continuing of the economic sanctions policy. So it was a very close division within this body.

Of course, once the President had the authority and made the decision, it was clear that all of us together, all 100 Senators and the country as a whole, would stand with and behind our forces to protect them and to supply them with everything they need so that they could carry out the duties they have been given and, as I say, hopefully be able at some point to come home safe and sound.

But like many here who come by Arlington Cemetery each day on our way in to work, one sees wave after wave of white gravestones that mark the heroism and the sacrifice of our finest young men who have fallen in combat in wars past. For many of them their lives ended before they ever really started. The lives that they might have lived, and the children and the grandchildren that they never saw or had, mark a human loss beyond our comprehension or our words. And so before we put thousands of new gravestones in place in Arlington and elsewhere, I think we have to use all of the wisdom and the resources at our command to see how we might meet our objectives in the Persian Gulf with the least loss of American life.

We have a lot of priorities over there that have been spelled out. But I would hope the one that is at the top of the list is to meet our objectives with the least loss of American life. If that takes another 5 weeks of bombing, or 5 months of bombing or whatever it takes in the way of military strategy or diplomatic initiative or economic pressure or any combination of those things or other things, I think we ought to use and exhaust every means that we have before we ask the young men and women of this country carrying over 90 percent of the combat load to go into battle in this situation.

Frankly, our Government has an obligation to ask other countries to do more than they are presently doing. We ought to have more combat forces there from other nations.

There is really no excuse for why the other nations are doing so little on the financial side. I saw the other day where the Saudi Arabians were gracious enough to say they would give us $13 billion to fight the war. I think this war is costing us at least $1 billion a day. Some people, Ross Perot, for one, estimates we are probably spending $2 billion a day. There is no way to accurately know exactly how much is being spent but it is a phenomenal amount of money.

So the Saudi Arabians the other day offered to provide $13 billion. If it is costing $1 billion a day, that buys 13 days of war. But we also know with gasoline prices and oil prices having gone up, that several billions of dollars have gone to the Saudi Arabians for higher oil prices, part of which they are now giving back to us to pay for some of the war.

So, in effect, what they have done is they have taken some money out of one of our pockets and have given some of it back to us to put in another pocket.

So we should not misunderstand the nature of the financial support either because we are not getting very much financial support quite frankly. Of course, our country, as we know from the budget that has just been submitted, is looking at a real deficit for the coming year, if you take away the use of the Social Security fund reserves, of something approaching or exceeding $400 billion. That is an extraordinary amount of money.

Of course the war costs go in on top of that. So when other nations do not

do their fair share financially or with their young men and women, we are asked to do more than our fair share. That is the situation we face today.

There is not very much conversation about it because these are embarrassing facts. Nobody really wants to talk much about it. The rest of the world is quite happy to not have us talk about it because they would just as soon be over on the sidelines and let the United States carry the load here.

The young servicewoman who is missing in action up near Kafji in the northern area of Saudi Arabia is a young woman from my State of Michigan. We have had other young servicemen from Michigan who have lost their lives in this war already.

They are in my thoughts and their families are in my thoughts and prayers, as they are in the thoughts and prayers of all of us.

We have to ask the question, what is going to happen tomorrow and what is going to happen next week and the week after that, and the week after that? Some of the estimates I have seen, the planning estimates, say that if a ground war starts and we have to send some substantial portion of the 500,000 people that we have out in that area into direct physical combat we could lose many thousands of American lives. We know the Pentagon has ordered over 16,000 body bags. That has been in the news. I assume they ordered them because they felt they might be needed. I have seen estimates of potential losses in a full-scale combat war that exceed that number.

What happens when we start using numbers? The numbers lose their identity to real people, to individual young men and young women and their families, who are precious to this country. Every single one is precious. And every single one has to be kept out of harm's way by using every bit of common sense and patience and other means that we have.

So I do not think we ought to rush into a ground war; not an American ground war. That is what this will be if it happens. I think we need to take our time here. We have to let all of the other means that are being applied work for us before we start an operation that could cost us thousands upon thousands of young American lives.

I must say too that I have been reading stories about some of the young Kuwaitis from the royal family that was deposed in Kuwait. They have been causing some difficulties down in Cairo, Egypt, where some of the young Kuwaitis from the wealthy families and the royal family are down there in the discotheques waiting for the war to get over so they can presumably go back home.

I must say, why are they not up on the front lines? Why are they not ahead of our people? Why are they not suited up in combat gear? Why are they not the ones that ought to be the first ones into Kuwait to liberate their country?

We do not have an answer to that, but it is obvious they are not there. We are there. We are there in their place. Yes, they are paying us some money. I would rather save our lives than have their money.

I do not think the sacrifice of a single young service person in this country is worth all the money that the Kuwaiti royal family can give us. Each one from Michigan is worth more than all the wealth of Kuwait. Our young people are unique and priceless—and they must be protected in every possible way.

So here we are poised in a situation now where there is this feeling of inevitability about ground combat. There is a heightened state of alert; it looks like we may be moving into a ground combat war. Maneuvering is going on.

I want to file these reservations as one U.S. Senator. I think we should not rush into combat. I think we should let all the other means available to us work, and continue to work and to put the squeeze on the Iraqis in every way we can, before we start asking young Americans to sacrifice their lives in combat. I think the rest of the world ought to do some soul searching. All these folks at the United Nations that think this is a great idea as long as somebody else is doing it, as long as Uncle Sam is doing it, I think ought to do some serious reflecting. I am troubled that they do not want to send their young men and women into this war zone.

We ought to look at those who we think of as our best allies, the ones we have the biggest trading relationships with, the ones with the largest trade surpluses with the United States. Japan will have a trade surplus with the United States this year of somewhere between $40 and $50 billion, which they are going to take out of our country. Yet they will not send a single member of their society out there to participate and put his or her life on the line in a combat situation with young Americans from my hometown and from your hometown.

Is that right? I do not think it is right. Should we just overlook it and not talk about it, and buy the notion of all this allied unity? That is essentially window dressing. So these are some of the things that I think we ought to have in mind here before somebody makes the decision to turn this into a ground war, where over 90 percent of the combat forces will be American.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there now be a period for morning business to extend not beyond 1 p.m. with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. RIEGLE. 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. GRASSLEY. 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.

Mr. GRASSLEY. Mr. President, what did two terrorists, convicted in connection with the *Achille Lauro* hijacking and murder of an American, receive for Christmas last season? They received an early release from prison compliments of the Italian Government.

As Saddam Hussein, Yassir Arafat, and their followers are making good on their threats to spread their campaign of terror against America and her allies worldwide, Italy, under an Italian law that allows for a sentence reduction during Christmastime, released the convicted PLO terrorists who aided in the murder of American Leon Klinghoffer: Mohammed Abbas, who is the cousin of Abul Abbas—the convicted murderer of Mr. Klinghoffer and mastermind of the hijacking; and Youssuf Sa'ad. Now there are two more terrorists loose to join Saddam and Arafat's campaign.

The only Christmas present a terrorist should receive is swift and harsh retribution. This release is a serious set-back in the fight against terrorism and I condemn it. Now more than ever, countries around the world must be vigilant and relentless in the fight against terrorism.

There is some solace to be found in the knowledge that justice is being sought against the terrorists responsible for the *Achille Lauro* hijacking—even if not by the Italian Government—and not by the United States. The only remaining justice being sought is by the victims, the Klingoffer family.

Though the United States dropped the indictments in the *Achille Lauro* case long ago, and Italy has now released the convicts into the streets, the Klinghoffers have found the courage to

do what two countries apparently would not.

The Klinghoffers have sued the PLO and are taking them to court. The release of the terrorists who aided in the death of their father makes their case even more significant and even more crucial.

After years of litigation, a New York Federal district court ruled, last June, that the court had jurisdiction over the PLO. The case is currently pending. The PLO must be held accountable for its crimes and the Klinghoffers are making sure that, at least in some way, the PLO will be brought to justice.

I am proud to report that on November 5, 1990, President Bush signed into law, the Anti-Terrorism Act of 1990, a bill I introduced last April. I commend the President for his support of the ATA. This law makes definitive the ruling of the district court in Klinghoffer versus PLO by creating a civil cause of action for American victims of international terrorism; the ATA specifically gives U.S. courts jurisdiction over acts of international terrorism carried out against Americans.

This law received overwhelming bipartisan support in the Senate. Cosponsors crossed the political spectrum and included Senators HEFLIN, BIDEN, HATCH, SIMON, LEVIN, LIEBERMAN, MURKOWSKI, DECONCINI, COATS, METZENBAUM, HELMS, BOND, and KOHL.

When I first introduced the ATA last April, our Federal laws provided for extra-territorial criminal jurisdiction over terrorists but there was little civil relief available to the victims. The Anti-Terrorism Act fills this gap as the civil counterpart to the criminal statute. With the Anti-Terrorist Act law, victims of terrorism now have the right to have their day in court.

The Anti-Terrorism Act removes the jurisdictional hurdles in the courts confronting victims and it empowers victims with all the weapons available in civil litigation, including: Subpoenas for financial records, banking information, and shipping receipts—this law provides victims with the tools necessary to find terrorists' assets and seize them. And this law accords victims of terrorism the remedies of American tort law, including treble damages and attorney's fees.

The Anti-Terrorism Act sends an important signal to the world on how the American legal system deals with terrorism. We are a nation founded in the rule of law and we must provide the framework in our legal system for Americans to seek justice against those who defy all notions of morality and justice.

I want to take this opportunity to thank the Klinghoffers, and the Klinghoffer Foundation of the Anti-Defamation League of Bnai B'rith for their contribution to, assistance with, and support for the Antiterrorism Act. They not only had the courage to seek justice and lay the groundwork, they were integral in the passage of this law. My appreciation also goes to the families of Pan Am 103 for their support of the antiterrorism act. This group has made a tremendous contribution to the development of legislative responses in the fight against terrorism.

Finally, I want to thank Mr. Joseph Morris, president and general counsel of the Lincoln Legal Foundation, for his work in helping to draft the law.

Last April we were hopeful because the incidents of terrorism against Americans were declining. But we did not want to wait for terrorists to strike again, or for more Americans to die, in order for Congress to act.

It has now been 10 months since the ATA has been introduced. Since January 16, alone, there have been more than 70 reported acts of terrorism committed against Americans and allied interests around the world. Today, an American was killed in Turkey, as he arrived at work at a United States military base. Now, in the midst of renewed terrorists attacks against Americans, we have the Anti-Terrorism Act of 1990 in place to punish terrorist and empower victims.

Of course, we must do all we can—working with other nations and the intelligence communities—to detect and deter terrorism. But make no mistake, Mr. President: when governments fail to perform their most basic function—to protect their people—our people must be equipped with a legal remedy to protect themselves.

Mr. President, the ATA is that remedy. I thank my colleagues for their support last fall, and I thank the President for helping us enhance the public's arsenal against terrorism.

I yield the floor and thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. 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. WIRTH. Mr. President, I wanted to speak briefly on the future of the Rocky Flats Nuclear Weapons Plant in Colorodo, but before I do, I am happy to yield the floor to the distinguished Senator from Washington, with the understanding I can reclaim the floor after he speaks for approximately 5 minutes.

I yield the floor, Mr. President.

Mr. ADAMS. I thank the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. I thank the Senator from Colorado for giving me this opportunity to spend about 5 minutes.

I want to compliment the Senator from Colorado, both on Project '88 and I think on what he is going to say on Rocky Flats. He may find what I am talking on ties to the subject the Senator from Colorado is speaking on. The Senator is one of the most distinguished Members of this body in both environmental concerns and nuclear concerns.

(The remarks of Mr. ADAMS pertaining to the introducing of S. 395 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ADAMS. Mr. President, I particularly want to thank the Senator from Colorado for his courtesy as he changed subjects from the environment to Rocky Flats to give me this opportunity. I look forward to working with him in the future on this. I yield back the floor so the Senator from Colorado may reclaim his time, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. I thank the distinguished Senator from the State of Washington for his kind comments and his usual good work.

THE FUTURE OF ROCKY FLATS

Mr. WIRTH. Mr. President, I want to take a few minutes to address the issue of the Rocky Flats nuclear weapons plant right outside of Denver, CO. For 16 years, I have had the privilege of representing in the Congress the workers and neighbors of Rocky Flats—12 years in the House and now 4 years in the Senate. I know from personal experience that the men and women who work at this facility are patriots in the greatest way. In addition to being highly skilled and dedicated workers, they have contributed to our national security and are in no small part responsible for our success in winning the cold war.

Now that our Nation is beginning to form a new world order, changes will also come to Rocky Flats and its employees, and it is imperative that we think these through carefully so that we thoroughly understand the implications for the plant, the work force, the surrounding community, and the State's economy. Making changes should not mean that we turn our backs on the people who have worked in the nuclear weapons industry. On the contrary, the final chapter on Rocky Flats can only be written if it includes a comprehensive worker protection package.

For the last four decades, workers at the Department of Energy's Rocky Flats plant have played a vital role in building our national defense. When the plant was built in 1952, our country was in the midst of the cold war, and

Rocky Flats was 18 miles from Denver. Today, Rocky Flats is surrounded by a growing metropolitan area. It is right in the middle of that metropolitan area.

The cold war has been won, and potential health and safety problems associated with the Rocky Flats plant are overshadowing the need to keep this facility in long-term operation. Recognizing these developments, the Department of Energy has determined to streamline our Nation's nuclear weapons complex as we head into the next century and is now contemplating phasing out operations at Rocky Flats and transferring these operations elsewhere.

As Coloradans prepare for a different future at Rocky Flats, Congress, the Department of Energy, and the State of Colorado should work cooperatively to ensure this transition meets the goals of protecting the workers in the surrounding communities and the environment at Rocky Flats. The health and safety issues at Rocky Flats are obviously a matter of great concern.

In addition to protecting the environment, however, we must not lose sight of our obligation to protect the health and safety of the people, and this includes protecting the men and women who represent the Rocky Flats work force. Their health and safety must be of paramount concern, and we should also recognize that any plan to phase out operations at Rocky Flats must also address the economic future of these workers.

There are four major issues involved in the future of Rocky Flats. First, job security. Any Rocky Flats phaseout plan must include provisions for employment in on-site environmental restoration work, as well as for worker retraining and early retirement where appropriate. Plans for the plant must be developed so that no layoffs occur and work force shrinkage comes from natural attrition and retirement. That is perfectly possible looking at the phaseout schedule drafted by the Department of Energy.

Benefits should be structured to include lifetime medical coverage so that the men and women who worked at Rocky Flats will not suffer discrimination from other employers because of their unique health risks.

Second, worker health. The responsibility for worker health records and monitoring should be transferred to the Department of Health and Human Services in order to ensure independent oversight. We have begun that effort. Secretary Watkins has taken a few steps in that direction. We must complete that, and I hope we can in this Congress.

Third, community safety. The communities surrounding Rocky Flats must receive Federal support to protect their water supplies and the health of their residents from the risks of environmental pollution from Rocky Flats. Bringing Rocky Flats into compliance with State hazardous waste laws, revamping the safety regime at the plant, and continuing environmental restoration work are key components in any phaseout plan.

And, fourth, future uses. The cleanup and phaseout process is likely to take some time to accomplish. We should not be under the illusion that it will happen overnight. Economic planning for the future of the plant site must, therefore, including a long-term commitment by the Federal Government to maintain environmental restoration activities.

These issues represent major challenges for Federal, State, and local community leadership. I am confident that we can face these challenges and implement a program of change at Rocky Flats. I am certainly committed to addressing these needs in the 102d Congress and look forward to working with my colleagues in the delegation, with Governor Romer, the mayors, the cities and counties of the surrounding communities and county commissioners and every Coloradan who shares these goals.

I ask unanimous consent to print in the RECORD a summary of the nuclear weapons complex reconfiguration study of January 1991 from the Department of Energy.

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

NUCLEAR WEAPONS COMPLEX RECONFIGURATION STUDY

(By the U.S. Department of Energy)

3.5 EMERGING TECHNOLOGIES

A major goal of Complex reconfiguration is to improve operating efficiency. Some improvements will be achieved by the configuration itself. Others will be achieved by advanced technologies for specific production activities as they become available. Types of emerging technologies that may impact reconfiguration include: computer technologies, advanced manufacturing technologies, storage and retrieval technologies, safeguards and security technologies, extraction/purification/elimination technologies, and waste minimization and treatment technologies.

3.6 RECONFIGURATION OPTIONS AND EFFECTS

Reconfiguration will change the Complex to different degrees within the three functional elements: Nuclear Materials Production and Manufacturing (NMP&M); Nonnuclear Manufacturing (NNM); and Research, Development and Testing (RD&T).

The following sections discuss specific aspects of the reconfiguration options as they apply to each functional element of the Complex.

3.6.1 BASIC RECONFIGURATION OPTIONS

In the broadest sense, reconfiguration would be divided into two alternatives: "No Action" and "Reconfiguration Options."

NEPA requires evaluation of the No Action alternative. Under the No Action alternative Complex-21 would not be developed and the existing configuration would continue. However, the No Action alternative would not be static. DOE would continue to make modifications and upgrades to ensure compliance with applicable federal, state, and local laws, regulations, and orders and to accomplish its defense mission. Repairing or replacing facilities would be considered through the Capital Assets Management Process (CAMP) (see Sections 4.3.4 and 5.2) Additional projects to address facility deterioration or technical obsolescence would continue to be considered over time on a case-by-case basis.

Under the Reconfiguration alternative, two options have been identified for scoping issues and evaluating configuration changes in the three functional groupings of the Complex. These options are:

Configuration A: Downsizing and Modernizing in Place.—Upgrade, replace, and/or consolidate current facilities at their current sites, using existing support facilities and infrastructure as much as possible. As an exception to the existing site theme, the functions of the Rocky Flats Plant (RFP) would be relocated and the current facilities at RFP would be transferred to the Office of Environmental Restoration and Waste Management for appropriate action. Under this option, the Complex would be downsized with relatively minor consolidations and closeouts as missions change. Privatization of nonnuclear component manufacturing would be expanded. Appropriate RD&T functions would be consolidated into single Centers of Excellence.

Configuration B: Maximum Consolidation.—Relocate RFP and at least one other NMP&M facility to a common location. The Pantex Plant and the Oak Ridge Y-12 Plant are candidates for collocation with the Rocky Flats functions, either singly or together. Functions of relocated plants would be handled as described for RFP in Configuration A. The probable outcome of this option would be an integrated site which could consolidate much of the NMP&M and/or weapons assembly and disassembly at a single site. Other activities would be consolidated and closed out as dictated by changing missions and requirements. Maximum feasible privatization of nonnuclear component manufacturing would result in maximum consolidated of nonnuclear production facilties. As in Configuration A, appropriate RD&T functions would be consolidated into individual Centers of Excellence.

Common to both Reconfiguration Options is the relocation of plutonium processing functions currently performed by RFP, near Denver, Colorado. This is because what was once considered a sufficiently remote site is now on the verge of becoming part of an expanding urban area. The growing population of the Denver metropolitian area continues to encroach on the downwind edge of the site and the watershed on which RFP is located now supplies drinking water for some adjacent communities.

These circumstances have naturally led to increasing public concern about the reasonableness of retaining plutonium operations at the site. DOE is sensitive to these concerns and has ensured that all discharges, releases, and protective barriers and safety systems strictly comply with applicable federal, state, and local laws, regulations, and orders. There is no doubt that RFP can, and will, be operated safely. Reconfiguring RFP in place would further enhance the overall safety of the plant. Nevertheless, DOE recognizes that prudent consideration of the public's concern, coupled with the magnitude of investment required to sustain plutonium operations at any site, dictate that relocation of RFP functions should be integral to both Reconfiguation Options. The effect of

not relocating RFP functions will, of course, be evaluated under the No Action alternative.

The application of these basic options differs within the three functional elements. The following sections contain an expanded discussion of the effect of the reconfiguration options on these elements.

3.6.2. RECONFIGURATION OPTIONS FOR NUCLEAR MATERIALS PRODUCTION AND MANUFACTURING (NMP&M)

Figure 3.2 displays the potential relocation, consolidation, and privatization effects for each of the major NMP&M functions. The specific site(s) to which functions might be relocated are to be determined (TBD) following completion of candidate site evaluations and a PEIS.

Fig. 3.2.—NMP&M CONFIGURATION OPTIONS

Legend: FMPC—Feed Materials Production Center; INEL—Idaho National Laboratory; KC—Kansas City Plant; LANL—Los Alamos National Laboratory; MD—Mound Plant; PS—Private Sector; PX—Pantex Plant; RFP—Rocky Flats Plant; RL—Richland Site; SRS—Savannah River Site; TBD—At a Relocated Site To Be Determined Via the NEPA Process; Y-12—Oak Ridge Y-12 Plant

Nuclear materials production and manufacturing functions	Current siting	No action alternative	Configuration option	
			A	B
Plutonium:				
Virgin plutonium	RL, SRS			
Plutonium recycle/recovery	RL, SRS, RFP, LANL	RFP, SRS, LANL	TBD	TBD
Tritium:				
Production	SRS	SRS [1]	(1)	(1)
Extraction	SRS	SRS [1]	(1)	(1)
Recycle/purification/loading	SRS	SRS	SRS	SRS
Backup loading	MD	MD	TBD	TBD
Stockpile surveillance	MD	MD	SRS	SRS
Uranium:				
Depleted uranium supply	FMPC	PS	PS	PS
HEU recovery (nonirradiated)	Y-12	Y-12	Y-12	TBD
DU/HEU fabrication	Y-12	Y-12	Y-12	TBD
Spent reactor fuel recovery	SRS, INEL, Y-12	SRS, INEL	INEL [1]	INEL [1]
Other Isotopes:				
Pu-238	SRS	SRS	(1)	(1)
Pu-242	SRS	SRS		
Assembly/Manufacturing:				
Pits	RFP	RFP	TBD	TBD
Weapons	PX	PX	PX	TBD

[1] SRS and/or INEL are the preferred locations subject to final selection and Record of Decision (ROD) for the New Production Reactor.

SCHEDULE, LENGTH AND COST OF ACTIVITY

The entire Reconfiguration will involve a multi-step process which will begin with three important events.

A notice printed in the FEDERAL REGISTER of DOE's intent to prepare a Programmatic Environmental Impact Statement (PEIS) concerning Reconfiguration of the nuclear weapons complex.

Availability of an invitation to provide land to the U.S. Government on which DOE may construct and operate one or more of the nuclear weapons facilities.

The submission to Congress, and release to the media and general public of the Nuclear Weapons Complex Reconfiguration Study.

Reconfiguration will progress through various stages, with actual construction/consolidation scheduled to begin as early as 1996. Reconfiguration is planned to be completed well before the goal of 2015.

Costs of Reconfiguration, depending on which option is selected, range from a low of $6.7 billion to a high of $15.2 billion.

It is anticipated there will be cost reductions as a result of complex and stockpile downsizing, and standardization of nuclear weapons materials, components and processes.

BACKGROUND OF RECONFIGURATION

Much of the current nuclear weapons complex (13 sites in 12 states) was constructed three to four decades ago and is now in need of repairs or replacement. Many production facilities are currently not operating. Increased efforts are needed to ensure continued protection of the environment and the health and safety of workers and the public.

In 1988, Congress ordered a study be conducted of the problems and a plan prepared for the modernization of the nation's nuclear weapons complex. The product of that study was the "Nuclear Weapons Complex Modernization Report" or the "2010 Report", submitted to Congress by the President in January 1989.

In February, 1989, DOE began parallel development of five-year plans to address environmental restoration and waste management concerns, and modernization concerns. In September 1989, Secretary of Energy James D. Watkins established a Complex Reconfiguration Committee to reexamine the entire issue of modernization.

In his August 13, 1990, memo to Under Secretary Tuck, Admiral Watkins directed that Reconfiguration would, among other things:

Minimize the number of weapons production sites and the size of individual sites;

Result in a complex that is smaller, less diverse, and less expensive to operate than the present complex;

Address environmental, safety and health concerns;

Provide DOE with the tools and resources to continue to successfully carry out its Presidential mandate to provide nuclear weapons in support of the nation's nuclear deterrent policy.

WHY RECONFIGURATION IS NEEDED

To ensure continued protection of the environment and the health and safety of workers and the public.

To create a complex which is smaller, less diverse, and less expensive to operate.

To safely, and reliably produce and maintain the weapons stockpile as directed by the President and funded by the Congress.

To minimize costs of complex construction and operation by standardizing nuclear weapons design, employing the best technology, and shrinking the size of the complex.

To minimize the use of hazardous materials and the number and size of waste streams.

To provide for proper disposal of hazardous and radioactive waste.

RECONFIGURATION OPTIONS

There are a number of options that will be examined, ranging from a "no action" alternative (as required by the National Environmental Policy Act of 1969) to a sweeping reorganization that could reduce the complex from its present 13 sites down to six or seven. Regardless of which option is chosen, the U.S. nuclear weapons complex will undergo changes. Possible scenarios, or combinations thereof, include:

Relocating Rocky Flats, possibly along with one or two other current weapons plants to a single site.

Consolidating the activities of nonnuclear facilities at one dedicated site.

Transferring many of the nonnuclear activities to the private sector.

Decommissioning at least one facility entirely.

Streamlining the three research and development labs.

Factors which will help define Reconfiguration:

The future size of America's nuclear weapons stockpile, as directed by the President.

The availability of resources to accomplish Reconfiguration.

Preferred options include:

Relocate the nuclear weapons production facilities now located at Rocky Flats, Colorado, to a yet to be determined location in the continental U.S.

Consolidate nonnuclear manufacturing, retained by government facilities, at a single dedicated site.

RECONFIGURATION—PHASE I

Phase I of the Reconfiguration of the U.S. nuclear weapons complex (Complex-21) will involve the preparation of a Programmatic Environmental Impact Statement (PEIS) as required by the National Environmental Policy Act of 1969, and will lead to a record of decision (ROD) covering the specific configuration for Complex-21.

A PEIS will analyze the environmental consequences of alternative long-term configurations of the nuclear weapons complex, using information gathered by the several panels, and presented at a number of public scoping meetings across the country. The PEIS will also be used to support DOE decisions regarding the configuration of its plutonium facilities in about the year 2000.

A final PEIS is tentatively planned for June, 1993, with a Record of Decision (ROD) published about October, 1993. The ROD will serve as a Reconfiguration "blueprint" for construction/consolidation activities slated to begin as early as 1996.

Reconfiguration of the nuclear weapons complex is expected to be completed well before the target date of 2015.

During Phase I (circa 1991–1994), the following actions will be taken to prepare the PEIS for Complex-21:

A Site Evaluation Panel will select candidate sites for the possible relocation of Rocky Flats, Y-12 and Pantex activities to be evaluated in the PEIS.

Through the site invitation, DOE is initiating the site-selection process for Reconfiguration by inviting federal agencies, states and other entities to provide land to the U.S. Government on which DOE may construct and operate one or more of the facilities already described (Rocky Flats, Y-12 and Pantex). DOE will also evaluate several DOE sites under the same conditions.

An architectural and engineering firm will be selected to develop conceptual designs and determine feasibility and costs of the various operations that will be considered in the PEIS.

The Privatization Planning Panel will evaluate the feasibility and cost-effectiveness of outsourcing the production of most nonnuclear components.

The Weapons Design Standardization Panel will investigate elements of nuclear weapons design that could lower production costs and result in less expensive production facilities.

The Technology Assessment and Selection Panel will investigate available technologies and reasonable-risk emerging technologies that could be used in Complex-21.

The Research, Development, and Testing Consolidation Panel (RCP) will consider which technical areas of research, development, and testing complex could be consolidated to yield significant costs savings without unduly disrupting its mission. This panel is in the process of being formed.

Except for the RCP, these panels were established in late 1990 and are expected to submit their recommendations in time to support the preparation of the PEIS.

RECONFIGURATION—PHASE II

Phase Two activities (circa 1992–2009) will center around developing designs for the reconfigured Complex-21 facilities. Typical Phase II activities include the following: Defining the technical baseline for Complex-21 activities, completing the development and validation of new or less-mature technologies, determining the seismic; environment, safety and health; safeguards and security; and other design criteria for Complex-21 facilities, completing the detailed design for Complex-21.

RECONFIGURATION—PHASE III

Phase Three (circa 1997–on) will involve the bulk of the Reconfiguration effort, focusing on the construction and testing of the new and upgraded Complex-21 facilities, the check-out and operational testing of these facilities, the transfer of operations, and the shutdown and deactivation of surplus facilities. Reconfiguration will be completed as quickly as technical, legal and regulatory issues permit, with the goal of being fully operational well before 2015.

Mr. President, I ask unanimous consent that morning business be extended for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Will the Senator withhold his request for a moment.

Mr. President, if I might ask the Senator from Colorado, we have reached agreement on a 15-minute time limitation on the Martin nomination, which will accommodate the schedules of many Senators. It would permit us to have the debate and vote at 1:15. After the vote, there would be an additional period for morning business for as long as Senators wish. I wonder if the Senator would permit us to proceed in a way that would enable us to accommodate the schedules of several Senators on both sides.

Mr. WIRTH. By all means. I have no intention of taking any time out of the business of the Senate. I am delighted, Mr. President, to at this time yield the floor. I will come back to a broader statement on the issue of global warming, the resolution introduced by the distinguished majority leader, and the current record of this administration.

I yield the floor, Mr. President.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Lynn Martin to be Secretary of Labor reported today by the Committee on Labor and Human Resources. I further ask unanimous consent that the nomination be considered under a 15-minute time agreement equally divided between the chairman and ranking member of the Committee on Labor and Human Resources; that following the conclusion of that time the Senate vote on the nomination at 1:15, or I guess it would be 1:17 now, without any intervening action; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session. I further ask unanimous consent that it be in order to ask for the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Is there objection?

Mr. WIRTH. Mr. President, might I add to that unanimous-consent request that the Senator from Colorado might be recognized after we complete business on this resolution?

Mr. DOLE. How long will it be?

Mr. WIRTH. About 10 minutes.

Mr. DOLE. Could we follow with Senator DOMENICI for 5 minutes?

Mr. MITCHELL. The Senator would like 5 minutes. Is that agreeable?

Mr. WIRTH. Absolutely. Fine.

Mr. MITCHELL. Would the Senator be prepared to permit the Senator from New Mexico to proceed for 5 minutes?

Mr. DOLE. No.

Mr. WIRTH. I will follow the Senator from New Mexico.

Mr. DOLE. The other way.

Mr. WIRTH. I always try to follow the distinguished Senator from New Mexico.

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the vote there be a period for morning business; that the Senator from Colorado be recognized for 10 minutes and that the Senator from New Mexico be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will report the nomination.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Lynn Martin, of Illinois, to be Secretary of Labor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from both sides.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

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

CONFIRMATION OF LYNN MARTIN TO BE SECRETARY OF LABOR

Mr. BYRD. Mr. President, Leonardo Da Vinci in a treatise written in the early 1500's wrote, "Thou, O God, dost sell us all good things at the price of labor."

Da Vinci's words remind us of the importance of hard work in achieving the things that are worth having. Even though Da Vinci wrote prior to modern industrialized society, he illustrates the importance of labor in all societies. In the United States, the Secretary of Labor represents our commitment as a nation to the working man and woman.

The Secretary of Labor is one of the most important cabinet level positions in the administration. The Secretary supervises numerous agencies including the Occupational Safety and Health Administration, the Mine Safety and Health Board, the Bureau of Labor Statistics, the Employment and Training Administration, and the Bureau of Labor-Management Standards.

The Secretary formulates and oversees programs that greatly affect our Nation's working men and women. The Secretary has the responsibility for ensuring that our Nation's workers labor in safe conditions. The Secretary oversees the collection and analysis of all relevant data relating to unemployment rates, compensation rates, and other important business statistics. The Secretary ensures that unfair labor practices are challenged and eliminated from the workplace. He or

she provides the necessary certification and documentation for foreign and immigrant workers.

Mr. President, I support the nomination of Lynn Martin, former member of the House of Representatives from the State of Illinois, to assume this very important position. She is the first and only nominee for Secretary of Labor to be nominated by a President despite having voted as a Member of Congress to override that President's veto of critical labor issues. Former-Representative Martin voted to override the President's veto of the civil rights bill, the Family and Medical Leave Act, and legislation to increase the minimum wage.

At this critical time in our labor history, I hope that, as Secretary of Labor, Mrs. Martin will work to ensure that our Nation's workers are properly skilled and educated to compete in today's global market. As a former teacher, she is aware of the importance of an educated work force to promote our Nation's economic and trade goals.

I hope that as Secretary of Labor, Mrs. Martin will take an active role in seeing that our workers receive adequate health and pension benefits. And I especially hope that she will continue down the path set by her predecessor in ensuring that Federal safety standards are rigidly enforced.

The Bible in 1 Corinthians, 14:40 commands, "Let all things be done decently and in order." I believe that, as Secretary of Labor, Lynn Martin will exercise decent and orderly judgment in her commitment to working men and women. It is with pleasure that I shall vote to confirm her nomination.

Mr. KENNEDY. Mr. President, I understand we are under a time limitation.

How much time is under the control of the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator has 5 minutes 7 seconds.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, as the chairman of the Committee on Labor and Human Resources which favorably reported this nomination to the U.S. Senate yesterday by a unanimous rollcall vote of 17 to 0, I welcome the opportunity to urge the Senate to confirm the nomination of Lynn Martin as Secretary of Labor.

The nominee, as all of us know, has a distinguished record in the House of Representatives. Many Members of the Senate worked with her during her years in the House, and we look forward to working with her as Secretary of Labor. The nominee demonstrated during her period of service in the House of Representatives that she was willing to support the President when she believed he was correct, but that she was also prepared to demonstrate an independence on some important labor issues, including the parental leave issue, the civil rights issue, and others.

As I said at the Labor Committee hearing on her confirmation last week, Mrs. Martin and President Bush have made history with this nomination. She is the first and only Secretary of Labor ever to be nominated by a President, after having voted in Congress to override the President's veto on a critical labor issue. And Mrs. Martin did that not just once, but twice—on the minimum wage, and on the Family and Medical Leave Act.

That speaks well of Mrs. Martin, and I think it should be noted that the President also deserves credit for putting forward a nominee that has had some policy differences with him. I hope the White House hears and heeds Mrs. Martin's counsel in the months ahead.

Mr. President, as Secretary of Labor, Mrs. Martin will be facing some of the most important challenges before the country. So many programs that relate to upgrading the skills of our work force, tying together educational opportunities, the protection of those that work in underground mines, the safety of those who work in construction, and the protection of children from exploitation in the work force are under the jurisdiction of the Department of Labor.

On the agenda will be the rising unemployment rate and the problems of our underfunded unemployment insurance system, race and sex discrimination on the job, occupational safety and health, the changing nature of the work force, and the challenge of making our work force more competitive and productive in the world. These are the kinds of issues that await the leadership of Lynn Martin.

Mr. President, this country's leading competitors, Japan and Germany, and other European nations, have made an important judgment that they were going to be competitive in the world economy, but that they were also going to pay high wages and they were going to insist on a strong social infrastructure so that workers would be able to provide for their families and live with some degree of security.

Our Nation is still competitive, but in key areas which permit us to remain competitive—investment in our work force and investment in research—we are now falling behind our competitors. And more and more we are sacrificing high-skilled jobs that pay decent wages for greater numbers of low skill, low wage jobs.

The challenges that will face Lynn Martin are formidable and our resources are limited, but Lynn Martin's testimony to the Labor Committee is a recognition of the challenges that await her. I must say all of us on the committee were impressed by her sense of commitment to public policy and to public life, by her willingness to reach out to those she agrees with and to those she differs with and by her willingness to listen to different ideas on how best to help the workers of this country live a more hopeful, successful, and secure life.

Under her predecessor in the Department, Elizabeth Dole, Congress and the administration began to regain a sense of progress on workplace issues. With Lynn Martin, we have a chance to build on this record, and do so in an atmosphere of cooperation, not confrontation. Obviously, we will have our differences with the administration on certain issues, but there are many others where we can and must work together.

Mr. President, I look forward to working with Lynn Martin in the years to come, and urge the Senate to confirm her nomination.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise with a great deal of enthusiasm to support the nomination of Lynn Martin to be our next Secretary of Labor.

I appreciate the comments of the distinguished chairman of the committee, Senator KENNEDY.

I am delighted that Mrs. Martin, former Representative Martin, has been nominated by President Bush for this position. I want to commend him for that choice.

Her distinguished career in Congress and all of her achievements give me reason to expect she is going to be an absolutely great Secretary of Labor.

She has great intellect, tremendous energy, and sensitivity to the needs and aspirations of America's working men and women. I think that all of those are going to serve her very well in this position.

Some of my colleagues may know that Lynn Martin began her illustrious career teaching high school government, economics, and English. This background demonstrates Lynn Martin's dedication, patience, and concern for young people as well as for the corps of our labor force and for older workers.

I also would like to thank the Chairman of the Labor and Human Resources Committee, Senator KENNEDY, for scheduling prompt action on this nomination. I would also like to commend all of our colleagues on the committee for the good judgment that they have shown in unanimously supporting this nominee.

The PRESIDING OFFICER. The Chair reminds the Senator that all time of the unanimous-consent agreement has now expired.

Mr. HATCH. I ask unanimous consent that I be permitted to proceed for 2 minutes.

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

Mr. HATCH. Mrs. Martin's direct, knowledgeable, and balanced responses to questions posed by the committee members left little doubt that we can expect great things from this Secretary of Labor.

I know Lynn Martin, and I know she views this job and this responsibility as a great personal challenge. I personally look forward to working with her on all of the many issues, key labor employment issues that face this Nation. I have great expectations for her, and I am certainly going to support her in every way. I know she will serve our country with distinction in this critical position.

I urge all of our colleagues to support her. I yield the balance of my time.

Mr. DODD. Mr. President, I rise today in support of the nomination of Lynn Martin to be this Nation's 21st Secretary of Labor.

Lynn Martin has a distinguished record of public service: As an educator, a representative to the Illinois State legislature and more recently as a Member of Congress. Her 10 years of service in the House of Representatives provides her a deep understanding of our legislative process and the relationship that we, in the Congress, have with the executive branch. This knowledge will be most beneficial to her in managing the department and in coordinating policy proposals between the administration and Congress.

In her testimony before the Labor and Human Resources Committee, she spoke candidly of her goals for the Department and identified a need for the department to provide a "continuum of services" for the training of youth; the protection and opportunity for individuals in the work force, and for the retired and unemployed. Among her goals are three commitments that I take a particular interest in, and they are: First, a commitment to supporting innovative programs to help parents balance work and family responsibilities; second, to ensure work force prepardedness; and third, a promise to ensure that workers will have equal opportunities and safe work environment.

The challenges awaiting Lynn Martin, if confirmed today, are most certainly great. Our Nation is not only in a recession, Alan Greenspan has recently warned that it could last longer than anyone originally predicted. Whether the recession is long or short, it has already taken its toll on many communities across this Nation. Over 1 million Americans have lost their jobs since this time last year. At least a dozen States have or are close to exhausting the reserves in their unemployment compensation trust funds built up during stronger economic times.

Moreover, our States and communities are facing some tough work force-related problems, many of which will remain long after this recession passes. The economic stability of our regions and the competitiveness of our businesses will depend on an educated and skilled work force. To achieve such a work force we must address some real issues and problems. We must discuss the best way to make sophisticated retraining programs available to displaced, veteran workers. We should build on the workplace literacy programs administered by the Department to tackle the high rate of illiteracy in this country. We must accept the fact that the demographics of the work force are changing, that by the year 2000, women will make up about 47 percent of workers, and 26 percent of all jobs will be held by minorities and immigrants. And, we must attempt to minimize the number of youth that are undereducated and undertrained by providing youth with the skills they need to be productive participants in our work force.

With close to 61 percent of women with young children working, we need a national policy for family and medical leave. Job protection during a family or medical crisis should be a minimum standard for our Nation's workers. Unfortunately, although many employers have instituted excellent policies in this area, too many workers are left without protection. As a supporter of family leave legislation in the 101st Congress, I hope that under the leadership of Lynn Martin, the Labor Department, will work with us to move S. 5, the Family and Medical Leave Act of 1991, to assure that workers do not have to choose between their jobs and their families.

As the chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I have been very troubled by the recent increases in violations of child labor laws. Young people who are working need better protection. The law should be strengthened and enforced, and I hope that Lynn Martin will make this one of her priorities if she is confirmed today.

In closing, I would like to add that as someone who has worked for the past 3 years to strengthen and ensure better enforcement of our construction safety laws by the Department of Labor, I am pleased to know that Lynn Martin is fully committed to increasing the effectiveness of OSHA and in particular believes that construction inspections can and will be improved. I look forward to working with her to do exactly that.

Mr. President, I believe that Lynn Martin is qualified to take on the challenges I have identified and should be confirmed as Secretary of Labor. I urge my colleagues to join me in supporting her nomination.

Mr. DOLE. Mr. President, while I do not consider myself to be an expert on labor issues, I do have some historical experience when it comes to the secretary of labor.

And it is my strongest conviction that the President got himself a real winner when he picked Lynn Martin, and yesterday's 17–0 vote of the Senate Labor and Human Resources Committee shows that I am not alone.

Lynn Martin's blue-ribbon career has consistently demonstrated her intelligence, her keen insight on legislative issues, and her commitment and devotion to government service.

As President Bush said, Lynn Martin "exemplifies the very best in public service."

Mr. President, the key word here is "best" because Lynn Martin is the best.

She has a strong sense of community and local issues having devoted eight years of service to State and county government—first as a Winnebago county board member; then on to the Illinois House of Representatives; and finally to the Illinois Senate where she served until her election to the U.S. House of Representatives in 1980.

With a decade of service in the House, Lynn Martin served with distinction on—among others—the House Armed Services Committee and the Budget and Rules Committees.

Now, as she moves on to become the 21st Secretary of Labor, I have no doubt that she will continue to distinguish herself, the department which she will head, and the administration which she will represent.

Mr. President, no one doubts that labor issues in the nineties will be as challenging as ever; similarly, Mr. President, no one doubts that Lynn Martin is more than up to the job she has undertaken.

It is an honor for me to be able to speak in support of her nomination, and I suspect I speak for virtually every Member in this Chamber in saying that I wish her the very best and look forward to working with her.

Mrs. KASSEBAUM. Mr. President, I am pleased today that we are moving swiftly to confirm the appointment of Lynn Martin as America's 21st Secretary of Labor.

I have had the pleasure of knowing and working with Lynn for over 10 years, when she served in the House of Representatives. There, she earned the respect and admiration of her colleagues both in the House and the Senate for her leadership, her intellect, and her dedication to public service.

I was most impressed by her testimony before the Senate Labor Committee last week, where she demonstrated a firm grasp of the issues and problems which currently face America's working men and women—rising unemployment, enhancing our competitiveness in the global market, providing equal opportunity in the workplace, and protecting employees from discrimination and unsafe working conditions.

I am particularly pleased that as Secretary of Labor, Lynn has indicated that she will make the protection of pension funds a top priority. Additionally, because of her experience as a public school teacher, she recognizes the importance of quality education to improving the productivity of our work force. She has already indicated that she is committed to forging new partnerships to enhance education and training efforts between the Department of Labor and the Department of Education—and I encourage her to pursue those goals.

These are only a few of the challenges which Lynn will face as she assumes the mantle of leadership at the Department of Labor. I am, however, fully confident that she will rise to meet these challenges and will display the same commitment to excellence that has earned her the President's confidence. I wholeheartedly support her nomination as Secretary of Labor, and look forward to working with her in the future.

Mr. THURMOND. Mr. President, I am pleased to rise in support of the nomination of former Illinois Representative Lynn Martin to be Secretary of Labor.

Mr. President, Mrs. Martin is a woman of outstanding credentials. A Phi Beta Kappa graduate of the University of Illinois, she has taught economics, government, and English in high school, and has served in both the Illinois State House and Senate. From the State arena, her career shifted to the U.S. Congress, where in 1980, she was elected to represent the 16th District of Illinois. During her time in the House of Representatives, she served in such leadership positions as cochair of the Bipartisan Ethics Task Force and as vice chair of the House Republican Conference. She has also served two terms on the House Armed Services Committee and three terms on the House Budget Committee. During her time on the Armed Services Committee, it was a pleasure for me to work with her and her staff on several defense bills.

Mr. President, in short, she is a very able and capable nominee. She is a woman of character and integrity, and will serve this country well as Secretary of Labor.

Many challenges face this country in the weeks, months, and years ahead—the competitiveness of American businesses, the increased need for employment training and job assistance as members of the Armed Forces reenter civilian life, and the demand for increased employee benefits are just a few of the challenges. I am confident that Mrs. Martin will provide the leadership to meet these challenges.

Accordingly, I am pleased to support the nominee.

Mr. COATS. Mr. President, I am pleased to support the confirmation of Lynn Martin as the new Secretary of Labor.

I believe that this may be the most important appointment that President Bush has made to his Cabinet. At a time when our country faces difficult economic times at home and greater competitive challenges abroad, it is essential that we have at the helm of the Department of Labor a person who understands and can handle the problems of the workplace and the future challenges facing America's working men and women.

It is essential that we develop a work force of persons who possess the skills, the education, and the motivation to fill the demands of a dynamic domestic economy and to compete successfully in the global marketplace. We must find meaningful new employment opportunities for today's young people and guarantee equality of opportunity and pay for women and minorities in the workplace. We must also provide to working men and women more quality time to spend with their families and other incentives so they will increase their productivity in their jobs.

At such a critical juncture we are fortunate that President Bush has tapped Lynn Martin to be the Labor Secretary. I am proud to have known this charming lady for a number of years, and I consider her a close friend. We both entered the House of Representatives in 1980, she from the Fourth Congressional District of Illinois and I from the Fourth District of Indiana. Our districts share many similar characteristics: Both have a diversified industrial base, many flourishing small businesses, and strong labor unions. Lynn Martin clearly understands the problems of the midwestern economy, the challenges of a changing and aging work force, and the need to increase the market for our industrial and agricultural goods overseas.

I, for one, am not alarmed that four persons from Illinois will now fill important posts in this administration—at Transportation, Veterans Affairs, Agriculture, and now Labor. And I have been assured personally that the trouncing that the Illini basketball team has had at the hands of Bob Knight's Hoosiers will not in any way impair the excellent treatment that we in Indiana expect to continue receiving from the Labor Department.

During the past 11 years I have seen Lynn Martin become what the National Journal and others have aptly described as one of the most influential Members of Congress. She is not only a leader of her party, but a warm, dynamic personality who has the wonderful talent of being able to resolve differences and work out amiable solutions to difficult problems.

During her three terms on the House Budget Committee and two terms on the Armed Services Committee, she has developed a strong record of fiscal conservatism and support for women's and family issues. She has a firm understanding of the workings, possibilities, and limitations of government, having served on the Winnebago County Board and in the Illinois House and Representatives prior to coming to Washington. Lynn is a strong family person, married to a Federal judge, with a household of seven children. Having been a high school economics teacher, she understands the importance of education to our economic future, and has promised to work closely with the new Secretary of Education on efforts to improve workplace skills and develop new job training programs.

Mr. President, I am pleased and proud to vote today for Lynn Martin as the new Secretary of Labor. She is a person of great talent, strength, ability, and experience, and I earnestly wish her well in her new position. I look forward to working with my good friend on many issues of mutual interest and concern.

Mr. SANFORD. Mr. President, my congratulations to Lynn Martin. President Bush has nominated an excellent candidate for Secretary of Labor, as evidenced by the Committee on Labor and Human Resources' unanimous recommendation to confirm. Lynn Martin is a thoughtful and experienced public servant who will, I am sure, work to find common ground between the demands of employers and employees, big business and small business. It is far too often that we view these groups as opposing sides, when, in reality, what is in the interest of one is often in the interest of all. A well-trained and educated work force, a workplace that is free from discrimination, and workers who are able to balance the demands of work with the responsibilities of family and community are issues about which all of us should be concerned.

In the coming months, we will revisit job training, the Civil Rights Act, family and medical leave, and minimum wage legislation, to name only few of the employment matters facing the 102d Congress and the administration. With Lynn Martin guiding the way at the Department of Labor, it is my hope and expectation that we will move forward in a bipartisan spirit of cooperation to meet these challenges.

NOMINATION OF LYNN MARTIN TO BE SECRETARY OF LABOR

Mr. SPECTER. Mr. President, I am pleased to support the confirmation of my good friend, Hon. Lynn Martin, for Secretary of Labor. Secretary-designate Martin has had a very distinguished career in public service, and has had a very distinguished career as an American citizen.

She was educated at the University of Illinois, a Phi Beta Kappa graduate; taught high school economics and government; married and raised a fine family with two fine daughters. Her public service began in 1972, with her

election to the Winnebago County Board. In 1976, she was elected to the Illinois House of Representatives and, in 1978, to the Illinois Senate. The voters of Illinois then sent her to the U.S. House of Representatives in 1980. Her step-by-step progression logically led to her candidacy for the U.S. Senate in 1990, which, as we know, was not a successful one. But she has performed a leapfrog of a sort, in being designated as Secretary of Labor, a position of enormous importance.

As highlights of her congressional service, in the 100th Congress, she led a successful bipartisan battle to extend to congressional employees the same civil rights protections available to other American workers, and in the 101st Congress cochaired the bipartisan ethics task force.

Her background in public service, as a homemaker, as a citizen, and as a teacher qualify her preeminently well to be the Secretary of Labor. She will be taking on a very important post at a time when job training is of the utmost importance, at a time when restrictions in the Federal budget make it even more important than ever that the opportunities for gainful employment be extended to all Americans.

I had an opportunity to talk with her recently in connection with my position as ranking Republican on the Appropriations Subcommittee of Labor, Health, Human Services, and Education. I was very much impressed with her projected plans for the position of Secretary of Labor. So I am delighed to add my voice in support of her nomination for that important position.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Lynn Martin, of Illinois, to be Secretary of Labor? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

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

I further announce that, if present and voting, the Senator from Georgia [Mr. NUNN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from Wyoming [Mr. WALLOP] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—94

Adams	Garn	Mikulski
Akaka	Glenn	Mitchell
Baucus	Gore	Moynihan
Biden	Gorton	Murkowski
Bingaman	Graham	Nickles
Bond	Gramm	Packwood
Boren	Grassley	Pell
Bradley	Harkin	Pressler
Breaux	Hatch	Pryor
Brown	Heflin	Reid
Bryan	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	Warner
Durenberger	Mack	Wellstone
Exon	McCain	Wirth
Ford	McConnell	
Fowler	Metzenbaum	

NAYS—0

NOT VOTING—6

Bentsen	Cranston	Nunn
Bumpers	Hatfield	Wallop

So the nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado [Mr. WIRTH] is recognized for up to 10 minutes.

Mr. WIRTH. I thank the Chair.

GLOBAL WARMING

Mr. WIRTH. Mr. President, I would like to address, if I might, the issues related to global warming that have been so well illustrated by the distinguished majority leaders.

Mr. President, in the last several months we have focused on the important long-term decisions we must make for the future of this country. We are beginning again the long, full debate about our fiscal future. Similarly, the Persian Gulf crisis has focused once again on the volatile Middle East and the vulnerability of our economic sector to shocks in the world oil market. It is appropriate, Mr. President, that these issues have consumed much of our energies in the past weeks and months. These are fundamental long-term issues that must be debated and acted upon as we prepare for the 21st century in a rapidly changing world. We are coming to realize these changes are economic, political, and increasingly environmental. That is why I want to briefly come back to an issue many of us have been raising over and over again, the issue of global warming, in these first days of the 102d Congress.

When the last Congress began, we were coming out of a year of bizarre, devastating weather. Drought seared the Midwest and shut down the Mississippi River. Hurricane Gilbert slammed through the Gulf of Mexico and toward Galveston, TX, with record winds. Across the country the public was alarmed, and it is safe to say in 1988 the issue of global warming entered the mainstream. Recenty it was announced that 1990 was the warmest year on record, not surprisingly to those aware of the drought in California or the record temperatures this month in the East. Indeed, the past decade has witnessed 7 of the warmest years on record.

So, when we started the last Congress a number of bills were introduced, international meetings were planned, and many of us, if not all of us, began to get serious about global warming.

Indeed, in his first speech as Secretary of State, Jim Baker, said we need to act. He said that we recognized that the accumulation of greenhouse gases is a problem and that we should do something about it. But there has been no followup from that speech. Instead, this administration has blocked every international attempt to begin addressing the global warming issue.

Most of us are also familiar with the embarrassing meeting the administration convened early last year here in Washington on this issue. It was in preparation for that meeting that the President's political handlers told U.S. representatives that rather than negotiation, "A better approach is to raise the many uncertainties that need to be better understood on this issue."

In that and many other areas we are drifting, genuinely isolated in international diplomacy and out of touch with the reality that is apparent to almost every other leading industrial democracy. That fact was made even more plain at the negotiations in Chantilly this week. The administration announced a so-called action plan that said there will be greenhouse gas reductions associated with phasing out CFC's and the Clean Air Act amendments.

While this is true, the argument falls on its face in light of the commitments undertaken by other nations—Australia, Japan, Germany, France, Great Britain, and Canada, to name a few. All of these nations are signatories to the Montreal protocol and will be phasing out CFC's. Nonetheless, they have taken on the responsibility of reducing or stabilizing carbon dioxide emissions, something we have not done.

U.S. emissions of CO_2 are expected to increase 15 percent by the year 2000, according to EPA. And an OTA report—Office of Technology Assessment report—released only today, suggests that carbon dioxide emissions will probably increase even more. CO_2 accounts for about 50 percent, Mr. President, of the gases that force climate change.

In addition, we are on course to double from preindustrial levels the con-

centration of CO_2 in the atmosphere by the middle of the next century, regardless of what we do on CFC's or the other greenhouse gases. Finally, the Intergovernmental Panel on Climate Change a very prestigious international group, found that the Earth could warm by 4 to 9 degrees in the next century, based its assumptions on the phaseout of CFC's. Taking credit for reducing CFC's is repackaging old initiatives and hardly represents leadership from the administration.

It is deja vu all over again, Mr. President. The White House effect we heard about in 1988 has turned into the whitewash effect for now more than 2 years. The administration still appears to be unable to come to grips with one of the most important issues facing the community of nations.

We would do well, Mr. President, to set a target for ourselves of being as energy efficient in the year 2000 as, for example, the Japanese are today. Japan's per capita emission of greenhouse gases in 1988 was estimated to be 2.5 tons, compared to a whopping 6.14 for the United States. Japan's fleet of cars achieve, on average, fuel efficiencies of 27 miles per gallon, 30 percent higher than our own. In its recent announcement, the Japanese Government has set a target of increasing fuel efficiency even further: 10 percent by 2000 and 15 percent by 2010.

And what are we doing? The Secretary of Energy is developing a national energy strategy, but I am told that the issue of auto fuel efficiency is not even on the table. More alarmingly, the idea of reducing greenhouse gas emissions will not be considered as an objective of the so-called strategy.

What we can do is to reduce carbon dioxide and save energy. We can use energy-saving lighting, for example, that I have installed in my office and which is now, I hope, going to move to offices all over Capitol Hill.

Just changing light bulbs alone, Mr. President, can save a great deal of energy. For example, a simple compact light bulb like this, putting this in instead of the regular 75- or 100-watt bulb, can save, over its lifetime, 320 pounds of coal.

A circlite like this, Mr. President, which can be used as a normal light in everybody's house, or the lights many of us have in our offices, over its lifetime saves 470 pounds of coal. And a simple twin tube like this, Mr. President, replacing again an ordinary light bulb, can save more than 300 pounds of coal.

Those technologies which are now coming into the market and are on the shelf are precisely the kinds of things that we ought to be doing, and we ought to be encouraging in every way that we can. So it is increasingly distressing, Mr. President, to see the administration tarnish our proud history of international leadership on environmental matters. We have charted the course for the world in the past. Now we are bystanders, if not obstructionists, in the international endeavor to tackle the enormous threat of global climate change.

Therefore, Mr. President, I fully support and applaud the resolution being offered by the distinguished majority leader. This resolution urges the administration to develop a specific set of targets and timetables for reducing greenhouse gases by the United States. Nations around the globe are developing these kind of programs and we are outside the mainstream in these efforts. As we enter the first phase of negotiations on an international agreement to protect the global environment, it is imperative that the United States take the lead once more. We led in the sixties and seventies on environmental issues. We are now taking up the rear, Mr. President. We should not.

And, as always, our majority leader is at the forefront of this effort, and I hope all of my colleagues will support his resolution.

The key to that resolution, Mr. President, says:

> Be it resolved * * * that it should be the policy of the United States to specify reductions in the national emissions of carbon dioxide and other greenhouse gases by a date certain.

It says "specify reductions in emissions of carbon dioxide and other greenhouse gases."

How to do that? We should have "an agreement by industrialized nations to reduce their current emissions of carbon dioxide." Everybody else is doing it; not us. We should have "an agreement by developing nations to limit their growth in carbon dioxide emissions from fossil fuel combustion so that total emissions from the industrialized and developing world are significantly reduced." What a good idea.

Develop "an agreement by all countries to limit the release of carbon dioxide due to deforestation by sustainable use of existing forests and reforestation"—a good policy in every way—and developing "an agreement by all countries to take available steps to cut emissions of other greenhouse gases, including methane." Those are precisely the kinds of steps we ought to be taking in this country, Mr. President.

Let me close by saying that there are those who say there is too much uncertainty out there. We only know the chances are 1 in 10 or 1 in 5 that the globe will get warmer. I submit, Mr. President, if you knew when getting on an airplane that the chances were 1 in 10 or 1 in 5 that that airplane was going to crash, you would make a different reservation. If you knew the chances were 1 in 10 or 1 in 5 or 1 in 20 or 1 in 50 that your house was going to burn down, you would call an electrician and rewire the house.

The consensus, Mr. President, among Nobel laureates, members of the National Academy of Science, is we are on a path toward significant warming. It is not a matter of if we are going to warm, it is a matter of how much, how fast. In the face of how much, how fast, we have an obligation to act. The way we can do so, Mr. President, is through a simple, "no regrets" policy that focuses on conservation, focuses on the development of alternative fuel programs, items that we know how to do. It is not rocket science, it is only a matter of political will.

That political will must come in large part from the leadership in the White House. We only have one individual selected: Not Mr. Sununu, not Mr. Darman. We must have the President of the United States take the lead. It is his responsibility. We can recapture the momentum that we had for a long time on issues of the environment. I would say most particularly, as a final note, on the issue of population.

President Bush was, as a Member of the House of Representatives, the lead Member of the House on worldwide population programs with a very, very enlightened set of positions. He made a change in 1980, unfortunately. He changed his position. He continues to be the direct opposite of where he was in the late sixties, early seventies. I hope we will see him make that change back to the enlightened kind of leadership he showed as a Member of the House of Representatives on population policy.

Mr. President, I ask unanimous consent to have the "Changing by Degrees, Steps to Reduce Greenhouse Gases," put out by the Office of Technology Assessment be printed in full in the RECORD.

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

[Office of Technology Assessment]

CHANGING BY DEGREES: STEPS TO REDUCE GREENHOUSE GASES

SUMMARY

Meanwhile, there is debate here as to whether and when a freeze or a 20-percent reduction in U.S. greenhouse gas emissions could be achieved in the near-term. Such a 20-percent reduction in U.S. CO_2 emissions would represent a 3-percent decline in current worldwide emissions of CO_2 and less than a 2-percent decline in current worldwide emissions of all greenhouse gases. More importantly, however, even if a 20-percent cut by all developed Nations could be achieved, it would not be enough to stabilize the atmosphere at today's level, let alone to reduce greenhouse gases to pre-industrial levels. To stabilize the atmosphere, the Intergovernmental Panel on Climate Change (24) and the Environmental Protection Agency (EPA) (56) suggest, would require much more—up to an 80-percent global reduction in CO_2 emissions from current levels as well as significant reductions in the other greenhouse gases. To achieve this under the combined pressures of economic and population growth, nonfossil fuel technologies such as

solar or nuclear power would be needed to replace much of today's fossil fuel use.

Energy conservation is the logical first step for the United States if it wishes to reduce its own CO_2 emissions below present levels over the next 25 years. For comparison, if no actions are taken, emissions of CO_2 will likely rise 50 percent during the next quarter century. Under a set of modest policies designed to encourage people to choose technologies that are cost-effective, emissions of CO_2 probably will rise about 15 percent over the next 25 years. This policy package is labeled OTA's "Moderate Scenario."

OTA identified an energy conservation, energy-supply, and forest-management package that can also achieve a 20- to 35-percent emissions reduction. This package is labeled OTA's "Tough scenario."

While difficult major technological breakthroughs are needed, existing equipment would not have to be instantly scrapped and replaced with untested prototypes. The requisite energy-related technologies are either already available or are demonstrated and close to commercialization today. Most of the forestry-related practices also are proven and already commercialized. OTA's Tough scenario thus does not represent "maximum technical potential." Although it could be argued, for example, that there is a "technical potential" for a massive return to nuclear power by 2015, we assume that this is not feasible for the United States, given lead times and current public concerns. Likewise, we assume that a massive penetration of solar-based electricity generation will not take place by then. Nor will most people be driving 80 miles per gallon (mpg) cars, although prototypes are available today. In each of these cases, though, increased research, development, and demonstration (RD&D) could bring substantial benefits within a half-century.

In the OTA analysis of energy-related activities, only those technical options that would result in CO_2 emissions reductions without loss of comfort or convenience were examined. If implemented, the energy conservation options discussed in our Moderate scenario would likely save consumers money over the lifetime of, for example, an energy-using appliance, given today's energy costs. Greater reductions are quite feasible, as our Tough scenario shows, with technologies that are either technically challenging or more expensive. Even greater reductions are possible if consumers can be persuaded to forgo some amenity or comfort; however, because many such actions are reversible, they may not continue if energy prices drop and so are not considered here.[1]

U.S. carbon dioxide emissions in 1987 expressed as carbon equivalents[2] were about 1.3 billion metric tons per year (see figure 1-2). OTA projects that under "business-as-usual" conditions (i.e., our Base case) emissions in 2015 will rise to 1.9 billion metric tons per year. In order to reduce emission levels 20 percent below 1987 levels by 2015 (i.e., to about 1.0 billion metric tons), we must not only attain zero growth over the 1987 level, but must also trim that level by an additional 0.3 billion metric tons. As figure 1-2 shows, a 20-percent emissions reduction is much more than OTA's Moderate scenario but less than its Tough scenario.

During the 1970s the extraordinary freeze in energy consumption—while the Gross National Product (GNP) grew 35 percent—was about two-thirds due to increases in energy efficiency and one-third due to structural change[3] in the economy. Investments in more efficient technologies were facilitated by higher energy prices and the regulatory climate.

The Nation's track record gives increased confidence that such improvements could continue to be achieved, especially if energy prices were to significantly rise again. To achieve lasting reductions in energy consumption, government signals (e.g., pricing and regulatory policies) need to be consistent and reinforcing. Otherwise we are likely to see reversals—as in the 1980s, when energy prices decreased and U.S. fossil fuel consumption started climbing again. For example, higher gasoline prices in the 1970s and early 1980s led to increased purchases of fuel-efficient automobiles. As gasoline prices fell and long-term energy problems were discounted by national leaders, car buyers shifted their attention away from efficiency toward higher luxury and power. Similarly, Federal R&D funding for renewable technology plummeted 90 percent (in constant dollars), from $1.3 billion in 1980 to $0.14 billion in 1990 (see figure 1-6 below). The United States has recently become a net importer of solar thermal and wind systems after dominating the market in the mid-1980s.

A variety of policy interventions will be required to reduce CO_2 emissions 20 to 35 percent below current levels by the year 2015. These could include regulatory "push" and market "pull" mechanisms to provide maximum encouragement and flexibility. They could affect both energy supply and demand and forestry and agricultural practices. Without an increase in and refocusing of current Federal initiatives—including performance standards, incentive programs, energy taxes, and RD&D activities—the use of greenhouse gas reducing technologies is unlikely to increase greatly in the next few decades.

Many of the measures discussed in this study will have ancillary environmental benefits, including abating acid rain, urban smog, ozone depletion in the stratosphere, and groundwater contamination. Decreasing oil use—primarily affecting the transportation sector—will reduce our dependence on foreign oil. Developing and producing renewable energy technologies with worldwide applicability will strengthen U.S. trade markets and our competitiveness abroad. Given that 11 industrialized countries[4] have officially pledged to stabilize or reduce CO_2 emissions by 2005, and that energy demand in rapidly growing, developing countries must increase burgeoning markets for efficient and lower CO_2-emitting technologies are likely. The United States, as the world's largest producer of greenhouse gases, has an opportunity both to set a good example and be in the forefront of developing new markets for the associated technologies and products.

COSTS

While we think the Moderate scenario is achievable at a new savings,[5] nonetheless substantial shifts in the economy would have to occur (e.g., energy expenditures are 15 percent lower than they would be otherwise).

Many of the Tough scenario measures entail costs in excess of projected fuel savings; others are cost effective over their lifetime but are difficult to implement. A rough estimate of the cost range for the Tough scenario is a savings of $20 billion to a cost of about a $150 billion per year (in 1987 dollars) by 2015, after subtracting fuel savings (assuming forecasted 2015 fuel prices).[6] This range is equal to savings of a few tenths of a percent to a cost of about 1.8 percent of the Gross National Product (GNP) projected for 2015. For comparison, all environmental compliance costs today are about 1.5 percent of GNP; direct fossil fuel and electricity consumption purchases account for about 9 percent of GNP.

Other groups have tried to estimate the costs of CO_2 reductions, but with different control scenarios, often a carbon tax. For example, using several short-term econometric models (i.e., analyses that extend only to the year 2000), the Congressional Budget Office (CBO) estimated that a $100 per ton carbon tax phased in by the year 2000 would hold CO_2 emissions at just about current levels or reduce them to 25 percent below current levels by 2000 (45). By the end of the first decade, GNP would be lowered by about 0.5 to 2.0 percent (about $40 to $130 billion per year in 1987 dollars). However, GNP effects over the first few years of a suddenly instituted policy could be 5 percent or more.

CBO also looked at two longer term econometric models that forecast energy use past 2000, one constructed by the Environmental Protection Agency (EPA) and the other by the Electric Power Research Institute (EPRI). These models' projections for Base case energy use in 2015 are reasonably close to each other and to OTA's Base case and thus offer useful comparisons of reductions and costs. The model used by EPA forecasts that holding emissions to 10 to 15 percent below current levels would lower GNP by about 1 to 1.3 percent by the year 2015. The EPRI model forecasts that holding emissions to 20 percent below current levels would lower GNP about 3 percent by that year.

The costs associated with any scenario depend on many factors—including the price of fuel projected from Base case conditions. For example, we are assuming the price of crude oil will be $42 per barrel (in 1987 dollars) by the year 2010 (23) and about $50 per barrel by 2015.[7] Net costs for an emissions reduction scenario would be higher if 2015 fuel prices are lower than projected; for example, if oil prices are $5 per barrel lower in 2015 than we forecast (and other energy prices remain the same as forecast), costs will be about $15 billion higher. Similarly, net costs would be lower if energy prices rise more than projected. No quantitative estimates have been made of the ancillary air, water, soil, health, economic, and energy security benefits of reducing energy use and associated pollutants.

[1] The U.S. Department of Energy (DOE) found that of an 18-percent reduction in residential energy use between 1972 and 1984, one-third was due to behavioral changes (53).

[2] U.S. CO_2 emissions were 4.7 billion metric tons. For the purposes of this report, all emissions are shown as weight of carbon. To convert to CO_2 equivalent, multiply the weight of carbon by 3.67.

[3] I.e., declines in energy-intensive industry and increases in the service sector. For further details see ref. 47.

[4] As of January 1991, Australia, Canada, Denmark, France, Germany, Italy, Japan, The Netherlands, New Zealand, Norway, United Kingdom.

[5] We believe that overall savings are possible because, on balance, fuel savings (assuming projected 2015 prices) will exceed annual capital and operating costs.

[6] For example, we assume that oil prices by 2015 will be about $50 per barrel.

[7] For comparison, DOE's Energy Information Administration estimated the price of oil to be $28 to $46 per barrel by 2010; the American Gas Association projected $48 per barrel in 2015.

TABLE 1–1—MEASURES TO LOWER U.S. CARBON EMISSIONS

[Expressed as percentage of 1987 total emissions][1]

	Reductions in 2015	
	Moderate (in percent)	Tough (in percent)
DEMAND-SIDE MEASURES		
Residential buildings		
New investments:		
Shell efficiency	1.3	2.0
Heating and cooling equipment	.1	0.4 to 0.6
Water heaters and appliances	1.2	1.5 to 2.3
O&M, retrofits:		
Shell efficiency	.8	.9
Lights	.6	.8
All residential measures together	4	5.6 to 6.6
Commercial buildings		
New investments:		
Shell efficiency	2.3	4.0
Heating and cooling equipment	1.0	1.2 to 1.9
Lights	2.1	3.0
Office equipment	1.6	2.1
Water heaters and appliances	.1	.1
Cogeneration	.2	1.5 to 2.3
O&M, retrofits:		
Shell efficiency	.8	.8
Lights	.5	.5
All commercial measures together	8.5	13 to 15
Transportation		
New investments:		
New auto efficiency	.8	3.5 to 3.8
New light truck efficiency	.5	2.5 to 2.7
New heavy truck efficiency	.4	2.4 to 2.4
Non-highway efficiency	.5	1.2
O&M, retrofits:		
Improved public transit	.2	3.5
Truck inspection & maintenance	.3	0.4
Traffic flow improvements/55 mph speed limit	1.2	1.4
Ridesharing/parking controls	.4	1.0
All transportation measures together	4	14 to 15
Industry		
New investments:		
Efficient motors	1.2	3.7 to 4.0
Lighting	.5	0.7 to 0.8
Process change, top 4 industries	3.0	8.2
Fuel switch to gas	.0	2.4 to 2.7
Cogeneration	.8	5.2 to 5.8
O&M, retrofits:		
Housekeeping	1.9	2.0
Lighting	.1	.2
All industrial measures together	8	17 to 18
ELECTRIC UTILITY SUPPLY-SIDE MEASURES		
Existing plant measures:		
Improved nuclear utilization	4.1	4.1
Fossil efficiency improvements	1.7	1.7
Upgraded hydroelectric plants	.5	.5
Natural gas co-firing	.....	3.7
New plant measures:		
No new coal; higher fraction of new nonfossil sources	.....	0.0 to 4.7
CO_2 emission rate standards	.4	0.0 to 0.1
All utility supply-side measures together	6.6	9.9 to 14
FORESTRY MEASURES		
Afforestation:		
Conservation Reserve Program	.2	.2
Urban trees	.....	.7
Additional tree planting	.....	2.3
Increased timber productivity	.....	3.1
Increased use of biomass fuels	.....	1.2
All forestry measures together	.2	7.5

[1] Percent of 1987 emission = 13 million metric tons C = 0.7 percent 2015 emissions.

Source: Office of Technology Assessment, 1991.

BOX 1–B—THE OTA CO_2 EMISSIONS REDUCTION MODEL

OTA developed a simple accounting model to estimate the effectiveness of various technical options for lowering CO_2 emissions. The model is based on a larger system of energy and economic models used by the Gas Research Institute (GRI) to forecast energy use through 2010 (23).[1] Of all the integrated energy/economic forecasting models available, the GRI approach includes the greatest detail on the demand side for specific technologies. (Other models may contain, for example, estimates of total residential electricity demand, but do not include breakdowns of heating, cooling, refrigerators, freezers, clothes dryers, etc.) With such information, changes in CO_2 emissions can be simulated in detail based on changes in technology.

GRI provided OTA with detailed output from its model simulations of energy use through 2010. We, in turn, built a very much simplified set of models by "modeling" GRI's detailed output. For example, to estimate the energy demand for heating homes, GRI's residential sector model starts with the number of existing furnaces, heat pumps, and electric heaters. It then forecasts the number that must be replaced through time (with more efficient technology) based on typical equipment lifetimes. The number of new homes (which, of course, must also be heated) is forecast based on economic conditions. Whether consumers buy gas, oil, or electric heaters is forecast in part based on economics and in part on historical buying habits.

OTA took the GRI forecasts of energy use by each technology category (e.g., gas furnaces) and built a series of simple models that simulate the number and energy efficiency of each technology type through time, based *only* on the GRI detailed output data, rather than the economic decisions that influence the forecast. Note that for two categories—highway vehicles and electric utilities—we felt that the GRI model did not have adequate detail for our needs. For highway vehicles, we used Oak Ridge National Laboratory's "Alternative Motor Fuel Use Model" (but used GRI's oil price assumptions for consistency). For electric utiltiies, we built our own model using detailed data from the U.S. Department of Energy's Energy Information Administration.

We total all the energy use and CO_2 emissions from each technology and sector. This forms the basis for our Base case forecast that emissions will be approximately 50 percent above today's level by 2015. In the Base case (business as usual), OTA implicitly assumes GRI's economic forecast of GNP growth averaging 2.3 percent per year and energy price increases averaging 1.7 percent per year for coal, 3.7 percent per year for oil, and 4.8 percent per year for natural gas over the next two decades. This represents a reasonable future picture barring major changes in energy supply, economic, or regulatory conditions.

Then we estimate the effect changes in technology (e.g., more efficient gas furnaces than included in the GRI forecast) or policy changes (e.g., forcing coal-fired plants to retire after 40 years of operation) to produce two alternate cases: "Moderate" and "Tough." Our model, for the most part, assumes the same level of "services" as the GRI base case. In alternative scenarios, CO_2 emissions are reduced, for example, by using more efficient furnaces, switching fuel, or insulating houses, but *not* by assuming people keep their homes at lower temperatures in the winter or warmer in the summer like they currently do. In a few cases, most notably the transportation options, all "services" are not identical. For example, one of the measures that we include is to reinstate a 55 mph speed limit. Under our most aggressive scenario, we assume that cars will be somewhat smaller than they are today (for either economic or regulatory reasons). Both of these include some loss of convenience to consumers, but the "service" (i.e., number of miles traveled in reasonably similar cars at highway speeds) remains quite similar.

[1] The GRI modeling system has as its core the U.S. Energy Model, developed by Data Resources, Inc. (DRI). The model includes four submodels: the industrial sector, residential sector, commercial sector, and electric utilities. Economic projections, which drive the Energy Model, come from the DRI Macroeconomic Model of the U.S. economy. Additional inputs are generated from the Industrial Sector Technology Use Model, developed by Energy and Environmental Analysis, Inc.; the GRI Hydrocarbon Supply Model; and the RDI Coal Model, developed by Resource Data International.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. Mr. President, I ask the permission of my colleague from New Mexico for 3 minutes to make a brief statement and that his time may be reserved to follow immediately afterward.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, it is my understanding I have 5 minutes reserved and I would follow my colleague.

The PRESIDING OFFICER. The Senator is correct. The time of the Senator is reserved.

Mr. DOMENICI. I am pleased to yield.

100 BELOW

Mr. MURKOWSKI. Mr. President, as a matter of notification for the benefit of this Chamber, I was advised today that Prudhoe Bay had an all-time low record of 100 degrees below zero. That is not the purpose, Mr. President, of my comments today.

FORCING OPEN JAPAN'S MARKETS—THE RESPONSIBILITY IS ON THE INDUSTRY

Mr. MURKOWSKI. Mr. President, I rise today to speak on an issue I have been pursuing for more than 5 years. I brought the subject of Japan's construction market to the floor of the Senate at least a dozen times in recent years. I bring it up again today because we have reached a critical juncture in our negotiations with the Japanese on the opening of their market to free and fair competition.

Mr. President, the Japanese construction market is larger than the United States. That is about $50 billion bigger than ours, every year. Their market is about $470 billion per year, and the United States market is about $420 billion per year. Few people realize this.

Japanese construction, engineering and architectural firms participate in the United States market in as free a way as possible. They learn of contracts, they make bids, and if they are the best in skill and price, they win. Japanese firms often win—on average Japan does over $2 billion of construction in the United States each year.

As is the case in many sectors, American firms face unfair barriers and market practices when they attempt to participate in the Japanese construction market. In November 1989, our Government, under the findings of a section 301 trade investigation, determined that these barriers unquestionably exist.

Mr. President, America is built on the principle of free trade, and we welcome competition into our markets. We do not like to resort to retaliation, and do not do it frequently or lightly.

This being the case, the United States has been in negotiations with the Japanese over that 301 ruling for more than a year, and has similarly been in review talks over the major projects agreement—a bilateral arrangement between our Governments meant to provide United States construction firms special treatment on 14 specific projects only—for 9 months.

I do not want to review the whole history of the industry talks at this time. But I do want to point out that our Government, the Department of Commerce, and the USTR in particular, has given its best effort to opening this market and they have not met with success.

The Congress has also taken a stand on this issue. During the last session I introduced two amendments to appropriations bills that would restrict Japan from our public works market if they continue to restrict us. These amendments have been signed into law.

Mr. President, the point I want to make today is that the Government has not undertaken this task without the input of industry. I have had a steady stream of U.S. construction firms at my door since 1987 when I began this debate.

I told these industry representatives time after time that I would help fight their battles, and keep fighting their battles until we got that market open. But I told them I would only do so as long as they were behind me.

Mr. President, today brings the witching hour. The culmination of more than a year's negotiations has arrived. And with it has arrived the time that industry must stand up and be counted. Our Government will go up against foreign governments to ensure free markets for our businesses, but it cannot do so alone.

When U.S. companies run up against a legitimate trade dilemma, they have recourse in their government. But the support from industry cannot stop with threats and the few contracts which are thrown our way. If it does, the good faith negotiators at the Department of Commerce, the USTR, and the allies here in Congress, may not be there again to fight until the eleventh hour and then back down and come home.

It is time, Mr. President, for our industry to stand up and be counted.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE AND THE SPEAKER OF THE HOUSE

The PRESIDING OFFICER. The Chair announces pursuant to section 4(a)(1) of Public Law 101-499, and on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, the appointment of the Honorable Lindy Boggs to the Preservation of Jazz Advisory Commission.

Under the previous order, the Chair recognizes the Senator from New Mexico [Mr. DOMENICI] for up to 5 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 401 are located in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

COMMENDING SEAN D. BERSELL FOR HIS SERVICE TO THE COUNTRY, TO NEW MEXICO, AND TO THE U.S. SENATE

Mr. DOMENICI. Mr. President, I would like now just for a moment to thank a current member of my staff, Sean Bersell. He will soon be leaving. In fact, tomorrow will be his last day as an employee of the U.S. Senate.

I am pleased, on the other hand, to tell the Senate that while he served us well, and I think he did and became an expert, in my opinion, on matters pertaining to public lands and to our national parks, he will soon be moving on to help our poeple in the country because he is going to be assistant director for legislative affairs for the U.S. Park Service. That is what he truly loves. That is what he wants to do.

Incidentally, he was attracted to that here. He learned about it and, as he has said, they are our crown jewels, those national parks. I am pleased this young man is going to go there and serve our people as he served them through the Senate in my office.

Many of the good things that I was able to do in the last 4 or 5 years—a new major national park called Petroglyph National Park and many others—were the result of his expertise, his diligence and his hard work. In addition to that, we passed a bill that will have our park service begin to inventory the possible preservation of the old U.S. Highway 66, what is left of it; can we save it with private sector and city and State help so it will be there for all generations? Those are the kinds of things that excited him.

I hate to see him leave us. He is a very bright young man, well educated but, most important, he is truly dedicated to this kind of work.

Sean has served the Senate with distinction. His presence will be missed, not only by me and his fellow staff members, but by many others who have come to depend on his insights, his wit, his expertise.

It has been my privilege to introduce Sean to public lands issues, that have ultimately become a great love in his life.

Sean came to my office trained as a lawyer. But I think he would be the first to agree with the words of James Bryce, "America's national parks will ultimately contribute more to the moral strength of the Nation than all the law libraries in the land."

Sean recognized that national parks, in fact, are national museums. That they improve the health and sanity of man, they provide a point in which to observe nature's continuing evolution; for future generations to know historic landmarks as they were when history marked them; for those living on a crowded planet to have resort to the grandeur and peace of nature.

The people of New Mexico have much to thank Sean for: Route 66, El Malpais, the Georgia O'Keefe study, and much more including his most recent and most significant contribution—the Petroglyph National Monument.

The Petroglyph National Monument embodies what can be found nowhere else—it portrays history, a way of life, the primitive experience, and the early environment of an extinct culture; an extinct people.

No, there is nothing more American than our national parks. They are, indeed, an expression of the highest in our American code of government—equality for all. Sean goes on, now, to ensure the preservation and accessibility of our Nation's treasures; to protect the kind of America we have, and want to have, and the kind of people we are likely to become.

As Sean joins one of the highest traditions of public service, the National Park Service, my thoughts and my thanks go with him.

If I have any time remaining, I yield it back, Mr. President.

The PRESIDING OFFICER. Is there any other Senator seeking recognition at this time? In my capacity as a Senator from the State of Virginia, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. RIEGLE. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein under the same conditions as previously ordered.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask that the quorum call be rescinded.

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

DESERT STORM PARENTS

Mr. DOLE. Mr. President, yesterday in S-407 we had an excellent briefing on Desert Storm by Secretary Cheney and General Powell. As we all know, they will be departing shortly for the gulf region to make a firsthand assessment of the situation for the President.

Obviously, much of what we were told in the briefing yesterday was classified and cannot be discussed here on the floor. But one subject was raised that, clearly, is not classified and should be brought to the attention of all Senators, since it could at some point become the focus of floor action, and that is the subject of the policy of parents serving with our Armed Forces in Desert Storm.

It is an important subject. Certainly those who are urging that we reconsider our current policy are doing so with the best of motives.

But I think it is fair to characterize comments by General Powell—seconded by Secretary Cheney—as a strong and heartfelt defense of existing Pentagon policy in this area, a policy which says, in effect, that parents—whether one parent from a couple, both parents from a couple, or single parents—are all considered available for service in Desert Shield. Rather than try to duplicate General Powell's comments, I instead ask unanimous consent to include in the RECORD at this point a letter he and Secretary Cheney sent yesterday to the distinguished majority leader, explaining the policy and urging that it not be changed, particularly at this point in time.

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

THE SECRETARY OF DEFENSE,
Washington, DC, February 7, 1991.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: One of the matters raised in the session we had with the Senate yesterday was a proposed resolution expressing the sense of the Senate that we take immediate action to ensure that no single parents or military couples with children serve in the Desert Storm theater of operations. We both stated that we were strongly opposed to such a resolution and to the policy it encourages. We would like to take this opportunity to explain more fully the reasons for our opposition to the policy and to the draft resolution prepared by Senator Heinz. We have discussed this matter with the Joint Chiefs of Staff, who join us in strongly opposing any such policy.

The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States. Every dollar we spend, every action we take, and every policy we adopt must and should support that purpose. All members of that profession of arms serving today are volunteers. They understand that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so. That shared obligation is crucial to the unit cohesion that is the foundation of our combat capability.

That understanding and obligation is held equally by the single parents and military couples now serving around the world, including in the Desert Storm theater. Their exposure to the risks inherent in military service is not new. Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in very type of unit, and in any position. For decades, single parents and military couples have been serving well and honorably in places like Korea and Europe, places where the possibility of sudden and lethal combat was very real. They served in Operation Urgent Fury in Granada and in Operation Just Cause in Panama. Their service and contribution, including their service in Operations Desert Shield and Desert Storm, have demonstrated the wisdom of that policy choice.

We are and have been sensitive to the needs of all of our military families, including the special needs of our single parents and military couples. For that reason, we have a longstanding policy of requiring every single parent and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well. Our single parents and military couples across the board have been meeting their obligations both as members of the military and as parents.

In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy that single parents and military couples are fully deployable and available for assignment anywhere in the world. Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de crops. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.

We understand and appreciate your concern. We share that concern, not only for our single parents and military couples, but for every member of our Armed Forces who is serving in Operation Desert Storm. We urge you, however, not to allow that concern to lead you and your fellow Senators to call for a policy that, in our view, would be both unwarranted and unwise.

Sincerely,

DICK CHENEY,
Secretary of Defense.

COLIN L. POWELL,
Chairman, Joint Chiefs of Staff.

Mr. DOLE. Personally, I find their arguments persuasive, and I would intend to oppose any effort to revisit the policy now, or to urge the administration to do so. I certainly do believe that all Senators, especially those who did not hear General Powell yesterday, should carefully read their letter before making their own decision on this issue.

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

The PRESIDING OFFICER (Mr. RIEGLE). The absence of a quorum has been suggested. 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. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 320

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 8, S. 320, on Tuesday, February 19, at 3 p.m.

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

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed to Calendar No. 8, S. 320.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MITCHELL. Mr. President, I thank my colleague and state for the information of all Senators that the Export Administration reauthorization bill, which is S. 320, will therefore be before the Senate for consideration on Tuesday, February 19, at 3 p.m.

That is the date that we return from the forthcoming Presidents Day work period. There is no agreement on time or amendments. So it is possible that amendments will be offered. It is possible that both will occur on that day. That is not possible to foresee now. We will just be on the bill, and proceed from there until we complete action on the bill.

I will have a further statement later today on matters that we hope to take up during the period following our return on February 19.

Mr. President, I yield the floor and 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. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

BARRY GOLDWATER

Mr. McCAIN. Mr. President, of the many lessons we will learn from our experiences in the gulf war, I want to make a few remarks about one lesson, in particular, that the war has reaffirmed. Charles de Gaulle stated it succinctly: "Nothing great will ever be achieved without great men."

Americans rightly take great pride in the brave and able men and women who

are serving us so well in this crisis. We also take enormous satisfaction from the superb combat performance of our technology and weapons. Many of these systems have never been used in anger. Many were the subject of heavy, organized criticism before their value became clear to the entire world. In many instances, their very existence is owed to the support and good judgment of a few public officials who regarded the defense of this country as their greatest responsibility. As I, like others, watched with amazement the exceptional performance of the Patriot missile, I was reminded of the Patriot who was such an able advocate of that system, and who served so honorably in this institution.

When I recall Senator Barry Goldwater's long and distinguished career, I am reminded of the best examples of public service. A great man's biography is marked by consistency, integrity and lasting achievement. Barry Goldwater is such a man. His principles are his faith, and he has served them all of his life.

The changes in political attitudes that occur regularly in history may weaken the resolve of ordinary statesmen. But extraordinary statesmen, of the statute of Barry Goldwater, do not let the vagaries of public life impair their vision or weaken their heart. As a keen judge of character once observed about another great statesman, Henry Jackson: "Extraordinary statesmen keep faith with their principles. And keeping faith is what—Barry Goldwater is—all about."

The arsenal of American power that now forcefully defends the interests of America and our allies in the Persian Gulf is, in no small measure, a consequence of Barry Goldwater's staunch support for an American defense second to none.

No one has ever been more vigilant in the defense of our cherished values and freedoms than Senator Goldwater. But he was no more an idealist, than he was a realist. He served American ideals so effectively, because he sought the means to defend and promote those ideals with hard, practical assessments of the facts and numbers, of the necessities and the possibilities.

Perhaps, Barry Goldwater's greatest and most lasting contribution to the defense of his country was the Armed Services Reorganization Act. Only he had the stature to undertake this enormous reform of our military bureaucracy. Now, as we note with astonishment and gratitude the absence in Operation Desert Storm of the chain-of-command and service rivalry problems that dogged the military for years, we can thank Barry Goldwater.

The legacy of his service in the Senate, as a member and chairman of the Armed Services Committee, includes his ardent advocacy of the Patriot that has spared Saudi Arabia, Israel and our troops from much of the indiscriminate terror of the Scud missile.

But Barry Goldwater's determined support for the most capable American defense systems was not limited to the Patriot. He was a champion of the Maverick and Hellfire missiles, the best tank killers in our arsenals. Under heavy criticism, he steadfastly defended and promoted the F-18, and thanks to his efforts the F-18 is now one of the Navy's most reliable tactical aircraft.

Mr. President, the fulfillment of Operation Desert Storm's objectives depends on a great many weapons that Barry Goldwater worked so hard to secure for his country. But let us not mistake his advocacy of these weapons for a blind support of weapons systems in general. If Barry Goldwater did not believe that a system could perform its mission or if its worth exceeded its price, Barry Goldwater would not support that system.

The performance of the AH-64 Apache helicopter in Operation Desert Storm has exceeded all expectations. Yet when the Apache was scheduled to be developed—in Mesa, AZ—the Army came to the Senate with a request for 96 fewer helicopters at an increased cost of over one-half billion dollars.

Despite Arizona's obvious interest in developing the Apache, Barry Goldwater said no. He recognized that the program was poorly managed and he terminated funding for the Apache in the Senate markup.

But as the Senate bill, absent funding for the Apache, was on its way to conference with the House, something unusual happened. The Army and the contractor got serious about refining the Apache and reducing the cost. The demand for an additional $500 million was withdrawn. The Apache then earned the firm support of Barry Goldwater. And the Army now has the finest attack helicopter in the world performing brilliantly in the Persian Gulf.

Mr. President, allow me to mention one other example of Barry Goldwater's invaluable contribution to our efforts in the gulf. The development of the M-1 tank, when it was still known as the XM-1, was another program under heavy fire from defense critics. Barry Goldwater held a special hearing to establish whether or not the M-1 deserved to be included in America's defense.

Barry Goldwater listened to the testimony of the critics. And he listened to the testimony of the generals. But he also wanted to hear from the sergeants, the men whose missions and lives would depend on the M-1. He asked them directly: "If you were to go into combat today which tank would you want?" When he heard the sergeants reply that they would, without question, want the M-1, Barry Goldwater made certain that the U.S. Army had the M-1 tank. And if our forces must engage Iraqi forces on the ground, they will be fighting with the most capable tank that has ever been produced. We will be glad that Barry Goldwater listened to the sergeants.

I doubt that Barry Goldwater is much impressed by testimonials. I suspect that were he here, I would be treated to another display of his well-earned reputation for candor. But I thought it proper to reserve some of our gratitude for the exceptionally low number of casualties inflicted thus far on American forces in the gulf, for Barry Goldwater. More than most, he is responsible for the technology and equipment that have served so well to keep those numbers low.

And when this conflict is finally concluded, when we begin to give well-deserved thanks to our Armed Forces, to our President, and to the other leaders of our Government, let us also give thanks to a man whose contribution to this moment was as great as anyone's. Let us thank Barry Goldwater, one of the finest patriots I have ever had the honor to know.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

PRESIDENT RONALD REAGAN'S 80TH BIRTHDAY

Mr. SPECTER. Mr. President, I am pleased to add my voice of congratulations to former President Ronald Reagan on the celebration of his 80th birthday. This is a hallmark in his life. It comes after his departure from the Presidency 2 years ago where he made an enormous contribution to America in both foreign and domestic policy. In foreign policy, he, along with President Bush, during the 8 years of the Reagan-Bush administration, led to the rearming of America, which has enabled our great country to project strength and force in the Persian Gulf in a way which is unprecedented in American history. I recall a famous comment he made on the arms race remarking that the Soviets liked the arms race as long as they were the only ones in it. However, as he took the lead in rearming America, the Soviets quickly learned the futility of continuing the arms race. The consequence was arms reduction, where President Reagan was an international leader, leading to the INF Treaty and enormous progress on a strategic arms reduction treaty, which is as yet incomplete.

On the domestic scene, he changed the contour of the American economy in a number of significant ways. He presided over 6 years of unparalleled economic expansion from 1982 through the end of his term. He had made enormous strides in transforming domestic spending priorities by supporting only

those programs which were of real necessity and usefulness.

So I am pleased to add my voice of congratulations to those who are saluting President Reagan on his 80th birthday.

On a personal note, the President was elected in 1980, the same year that this Senator was elected, the same year that the distinguished Presiding Officer was elected. The distinguished Presiding Officer, not having been a member of our party, was not included among the 16 Republican Senators who were invited for a number of unique social occasions for the class of 1980. Considering my lofty seniority with that group of 16, being 16th, largely as a result of the fairness of the alphabet over which none of us has any control, then Majority Leader Howard Baker designated this Senator as the spokesman for the class of 1980. That always positioned me at the President's left, where I had a chance to get to know him just a little bit better.

So I am delighted to add my voice in congratulations to President Reagan on the occasion of his 80th birthday.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from California is recognized.

Mr. SEYMOUR. I thank the Chair.

(The remarks of Mr. SEYMOUR pertaining to the introduction of S. 404 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROTECTION FOR PERSIAN GULF WAR VETERANS

Mr. SPECTER. Mr. President, I think it is appropriate to note that earlier this afternoon the Veterans' Affairs Committee passed out of committee unanimously significant legislation to provide for the protection of Persian Gulf war veterans. This is part of a continuing bipartisan effort by both Democrats and Republicans in the Senate and in the House of Representatives to provide appropriate protections for those who are in the military service and to provide for appropriate benefits for them once they leave the military service.

Earlier this week, I was designated as the ranking Republican on the Veterans' Affairs Committee, a committee on which I have served for the past 10 years. Today, working with the acting chairman, Senator DECONCINI, the legislation was passed out of the committee. This legislation was earlier introduced by Senator CRANSTON who is unable to be with us at the present time due to medical problems.

The legislation passed out of the Veterans' Affairs Committee will supplement other legislation which is currently pending in the Senate such as House Resolution 555, identical with Senate bill 330. This legislation contains a number of very important provisions to protect veterans who are serving in the Persian Gulf.

For example, the pending legislation, which is broadly cosponsored on both sides of the aisle, would provide a stay, postponement, or suspension of any tax, fine, penalty, insurance premium, or other obligation or liability for any purpose in the military service—and any failure to act on any of those items should not provide the basis for affecting existing or future credit ratings.

That legislation would further provide for the suspension, upon written request, of premium payments on professional liability insurance coverage and a wide variety of items to protect the American service man and woman.

The Veterans' Affairs Committee this afternoon passed out legislation which would provide employment benefits upon returning to the United States; would provide an increase in life insurance coverage to $100,000, and would provide an additional payment of some $50,000 under the current language of the legislation as introduced by Senator WARNER for service personnel who die or are killed in a period from August 1, 1990, until that legislation is passed.

But I think this action by the Veterans' Affairs Committee, Mr. President, is of such significant importance that it ought to be noted by the American people at the earliest practical date. Therefore, I make this very brief report on the action which was taken by our committee this afternoon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

S. 386—VETERANS BENEFITS

Mr. SPECTER. Mr. President, because of the comments which I just made concerning the legislation passed by the Veterans' Committee and the fact there is no one else on the floor, I might just take a few moments to amplify on what Senate bill 386, passed by the Veterans' Committee, provides so that the public may be informed about it at this early time.

The proposed legislation makes veterans and spouses of veterans with service during the Persian Gulf war eligible for benefits under the VA Pension Program.

Second, it makes applicable to Persian Gulf war veterans a presumption for the purpose of receiving VA medical care for those who develop an active psychosis within 2 years after discharge or release from active military service that, included service during a period of war.

Next, it provides Persian Gulf war veterans with the same eligibility for medicines from the VA that other wartime veterans have when they are receiving additional VA service-connected disability compensation or increased VA nonservice-connected disability pension by reason of being permanently housebound or in need of regular aid and attendance.

The proposed legislation passed out of committee further provides for extended entitlement to VA readjustment counseling through VA vet centers to post-Vietnam-era veterans who served in active duty in an area at a time when hostilities occurred in that area.

The proposed legislation also provides that notwithstanding the requirement that claims for reimbursement for burial payments from the VA be filed within 2 years after the burial of the veteran, a claim for reimbursement for burial payments in the case of veterans of the Persian Gulf war who died before the date of the enactment may be filed within 2 years after that date of enactment.

It further provides for a veterans advisory committee on education to be formed by the Secretary of Veterans Affairs to include a representative of the Persian Gulf war veterans.

It further provides for eligibility of VA housing loan benefits to veterans who served on active duty at any time during the Persian Gulf war and whose total service was for 90 days or more, provided that those veterans meet the minimum active duty service requirements.

It next provides for the requirement that employers take affirmative steps to provide necessary retraining for the persons being reinstated to employment under the veterans reemployment rights law.

It further provides a requirement that employers make reasonable accommodation for disabled reservists

being reinstated under the veterans reserve laws.

Further, there is a provision to authorize the Secretary of Veterans Affairs to employ retired Federal health care specialists without their retirement annuities being reduced and also authorizes the appropriation of $1 million for the establishment of an information and referral system in the form of a VA staff toll-free number to provide information to veterans and family members of active duty service personnel.

These provisions, I think, are very significant, and it is anticipated they will reach the floor for action shortly after the Lincoln Day recess.

Again, I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PERSIAN GULF MANPOWER BENEFITS

Mr. MITCHELL. Mr. President, when the United States abandoned the Selective Service System 20 years ago, our military moved to a volunteer Armed Forces system, relying on the recruitment of men and women who agreed to serve for a fixed term of years.

What Americans did not fully realize until very recently is that a central element of the volunteer force structure is its dependence on an Active Reserve Force in time of war.

The Defense Department evolved the combined force structure of full-time and Reserve Forces during the decade of the seventies. But what it never developed was any comparably well-conceived system to cope with the dislocation that prolonged active service would cause to the hundreds of thousands of families affected.

The Persian Gulf deployment of troops and reservists has made the absence of such a family support system glaringly obvious.

Families of activated reservists encounter a wide range of dislocations, ranging from the immediate reduction in income to the absence of health insurance coverage.

Families where both parents have been called up face the immediate problem of care for children. Spouses who are forced to take a job when their partner is called up face the need for day care. When private-sector employment is suspended health insurance benefits for families are sometimes suspended as well.

In short, the planning and budgeting that a family has done can be thrown into total chaos when a reservist is activated for a long period.

Similarly, overseas duty results in many of our full-time military spouses being faced with comparable problems.

The laws now on the books which are designed to protect military families against the contingencies that can arise as a result of active duty are in urgent need of updating.

The Soldiers' and Sailors' Civil Relief Act, for instance, is a statute which was first enacted in 1940, also during time of war, to protect persons called to active military duty against a range of civil liabilities.

That law was modified in the 1972, but has not been updated since.

Its protection for families against eviction from rentals is limited to rentals of $150 or less per month. There are very few apartments or rental homes today at that price.

The law does not reach the situation of many reservists with respect to their health insurance coverage.

The law does not take account of the vast shift in the work force that has occurred since 1972, where more than half the mothers of school-age children are in the work force and child care has become a crucial problem for many of them.

The lack of a reasonable support structure has been highlighted by the beginning of active hostilities in the Persian Gulf. We are now taking action on a variety of measures designed to meet those needs.

First, for the families of both full-time and reservist forces, we should allow the Defense Department to make grants to child care providers or families to help cover the costs of child care.

Additionally, the Department should be authorized to provide grants to nonprofit organizations which provide family support services for military families.

Today, those nonprofit organizations, most conspicuously those activated by the national veterans' organizations, are facing enormously increased demands for their help.

Families call needing some way to deal with auto payments or utility bills; some face medical emergencies; others have trouble facing the stress on children when a parent is away and the other parent suddenly has a greatly increased workload.

These organizations need help to provide the services they are now struggling to organize. They are a tested channel for getting support to families promptly and efficiently. The volunteers who provide much of their staff are dedicated to the well-being of military families. All they need are the resources.

By authorizing the Defense Department to make those resources available, Congress can ensure that our military families get the services they need when they need them.

Congress will also quickly review the health insurance needs of the families left behind. This is a critical area in which swift action is essential.

Some reservist families live in areas where CHAMPUS benefits, the health coverage provided automatically through the military medical system, are not readily available. For them at least, Defense Department payment of private insurance premiums to maintain policies in force is essential.

Requiring the reinstatement of coverage, with no waiting period or other test, is equally essential. We require employers, by law, to preserve the jobs of reservists called to active duty. An equally important element of that protection today is to ensure the reinstatement of health coverage along with employment.

The intent of the law that protects reservists jobs is to ensure that no American who responds to the Nation's call is penalized for that service. As a central element of that intention, the preservation of health coverage for families and reservists themselves is essential.

Congress has already taken action to ensure that those serving in the gulf have adequate time to fulfill their tax liabilities without penalty. They will receive interest on any tax refunds which are delayed because of their service.

But in addition, Congress will take up related tax matters to relieve those serving of the potential adverse economic consequences of their service.

Imminent danger pay and hostile fire pay have not been increased since 1985. The value of that pay should be upgraded to take account of inflation as soon as possible.

Current law exempts all combat pay for enlisted personnel serving in a combat zone and $500 per month of pay for officers. We should review the officers' exemption with a view to revising it.

Current law limits the ability of taxpayers to dip into tax-sheltered IRA savings accounts. But in light of the emergencies that many military families may face, an exemption for those serving from this prohibition may well be warranted.

Unlike career military personnel, reservists called to duty face disruption of their accrued pension benefits. We will review the justification for allowing such a disruption.

Nothing that any Congress or Government department does can ever fully repay the men and women who serve at risk of their lives or the families who endure months of separation and anxiety on top of the practical disruptions to their lives.

But to the extent that the Government which calls them to serve can reduce some of the disruption, we ought to take those steps. That is the imme-

diate priority facing this Congress. We will act on these proposals very shortly.

THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

Mr. MITCHELL. Mr. President, in my prepared remarks, I referred to the Soldiers' and Sailors' Civil Relief Act and, as Senators will recall, we attempted to bring that to completion in the Senate yesterday but were unable to do so because of our inability to get a unanimous-consent agreement.

During the discussion on that matter which occurred in the Senate, Senator HEINZ objected to the unanimous-consent agreement, because he wanted to offer his amendment in the nature of a sense-of-the-Senate resolution, and Senator HEINZ and I engaged in a discussion about the position of the Secretary of Defense, Dick Cheney, and the Chairman of the Joint Chiefs of Staff, General Powell, with respect to the Heinz resolution.

We both attended a meeting at which Secretary Cheney and General Powell had made comments on this, and I interpreted their remarks to be opposition to Senator HEINZ' resolution. He interpreted their remarks differently. I suggested then that the best thing to do, rather than either have us interpreting what someone else said, would be to ask Secretary Cheney and General Powell to state their views for themselves in writing. They have now done so. They have provided me with a letter, copies of which have been provided to Senator DOLE and others.

I ask unanimous consent this letter be placed in the RECORD at this time.

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

THE SECRETARY OF DEFENSE,
Washington, DC, February 7, 1991.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: One of the matters raised in the session we had with the Senate yesterday was a proposed resolution expressing the sense of the Senate that we take immediate action to ensure that no single parents or military couples with children serve in the Desert Storm theater of operations. We both stated that we were strongly opposed to such a resolution and to the policy it encourages. We would like to take this opportunity to explain more fully the reasons for our opposition to the policy and to the draft resolution prepared by Senator Heinz. We have discussed this matter with the Joint Chiefs of Staff, who join us in strongly opposing any such policy.

The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States. Every dollar we spend, every action we take, and every policy we adopt must and should support that purpose. All members of that profession of arms serving today are volunteers. They understand that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so. That shared obligation is crucial to the unit cohesion that is the foundation of our combat capability.

That understanding and obligation is held equally by the single parents and military couples now serving around the world, including in the Desert Storm theater. Their exposure to the risks inherent in military service is not new. Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in every type of unit, and in any position. For decades, single parents and military couples have been serving well and honorably in places like Korea and Europe, places where the possibility of sudden and lethal combat was very real. They served in Operation Urgent Fury in Grenada and in Operation Just Cause in Panama. Their service and contributions, including their service in Operations Desert Shield and Desert Storm, have demonstrated the wisdom of that policy choice.

We are and have been sensitive to the needs of all of our military families, including the special needs of our single parents and military couples. For that reason, we have a longstanding policy of requiring every single parent and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well. Our single parents and military couples across the board have been meeting their obligations both as members of the military and as parents.

In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy that single parents and the military couples are fully deployable and available for assignment anywhere in the world. Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.

We understand and appreciate your concern. We share that concern, not ony for our single parents and military couples, but for every member of our Armed Forces who is serving in Operation Desert Storm. We urge you, however, not to allow that concern to lead you and your fellow Senators to call for a policy that, in our view, would be both unwarranted and unwise.

Sincerely,

DICK CHENEY,
Secretary of Defense.
COLIN L. POWELL,
Chairman, Joint Chiefs of Staff.

Mr. MITCHELL. Mr. President, this letter specifically refers to Senator HEINZ' resolution by name and specifically opposes that resolution.

I call it to the attention of all Senators so there can be no misunderstanding about this arising out of the colloquy yesterday. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff state in unmistakable terms their opposition to that resolution.

Obviously, each Senator will have the opportunity to present his or her amendment at an appropriate time, but I do this first to set the record straight so there can be no misunderstanding on this question, but also to renew my request that we can act promptly on the Soldiers and Sailors Civil Relief Act amendments on which I think there is very broad support. Indeed, Senator HEINZ was clear in his statement yesterday that he supports that legislation. He wants that legislation to go forward. It is my hope we can now do so free of any other amendment or controversy promptly when we return.

It is my intention, Mr. President, to deal with that and other matters when we return.

I expect that the Senators from Ohio and Arizona are soon going to address the subject of benefits for military families.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on February 22, 1991: Mr. OLIN and Mr. WOLF.

The messages also announced that pursuant to 14 U.S.C. 194, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the 102d Congress: Mr. TAUZIN, Mr. HUGHES, Mr. FIELDS, and Mr. JONES of North Carolina, ex officio.

The message further announced that pursuant to 46 App. U.S.C. 1295b (h)1, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the U.S. Merchant Marine Academy for the 102d Congress: Mr. HOCHBRUECKNER, Mrs. LOWEY of New York, Mr. LENT, and Mr. JONES of North Carolina, ex officio.

The message also announced that pursuant to the provisions of section 3 of Public Law 93-304, as amended by section 1 of Public Law 99-7, the Speaker appoints as members of the Commission on Security and Cooperation in Europe the following Members of the House: Mr. HOYER, cochairman, Mr. FASCELL, Mr. MARKEY, Mr. RICHARDSON, Mr. FEIGHAN, Mr. RITTER, Mr. PORTER, Mr. SMITH of New Jersey, and Mr. WOLF.

ENROLLED JOINT RESOLUTION SIGNED

At 3:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 30. Joint resolution to designate February 7, 1991, as "National Girls and Women in Sports Day."

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. BYRD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-541. A communication from the Deputy Assistant Secretary of the Air Force (Acquisition), transmitting, pursuant to law, a report on the cost comparisons for base operating support at Goodfellow and Reese Air Force Bases, TX; to the Committee on Armed Services.

EC-542. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaties; to the Committee on Armed Services.

EC-543. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, pursuant to law, a report on the operations of the Panama Canal during fiscal year 1990; to the Committee on Armed Services.

EC-544. A communication from the acting chair of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report of the subcommittee during fiscal year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-545. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Preview Report for Fiscal Year 1992; pursuant to the order of August 4, 1977, referred jointly, to the Committee on the Budget and the Committee on Governmental Affairs.

EC-546. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the viability of the domestic uranium mining and milling industry for 1989; to the Committee on Energy and Natural Resources.

EC-547. A communication from the Administrator of General Services, transmitting, pursuant to law, the annual report on the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act; to the Committee on Environment and Public Works.

EC-548. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination authorizing the release of funds for the unexpected urgent needs of refugees in Africa and the Middle East; to the Committee on Foreign Relations.

EC-549. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-550. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the assignment or detail of GAO employees to congressional committees as of January 11, 1991; to the Committee on Governmental Affairs.

EC-551. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on the implementation of the Federal Equal Opportunity Recruitment Program for fiscal year 1990; to the Committee on Governmental Affairs.

EC-552. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the 32d annual report of the Commission; to the Committee on Governmental Affairs.

EC-553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a compilation and analysis of State activities in implementing the second year of the Child Abuse and Neglect Prevention Challenge Grant Program; to the Committee on Labor and Human Resources.

EC-554. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for October 1990; to the Committee on Small Business.

EC-555. A communication from the Assistant Secretary of the Navy (Research, Development, and Acquisition), transmitting, pursuant to law, notice that the program acquisition cost of a major defense acquisition has increased by more than 15 percent; to the Committee on Armed Services.

EC-556. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds for the fourth quarter of fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-557. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Automotive Technology Development Program for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-558. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, a notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-559. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on the status of the Radon Mitigation Demonstration Program for fiscal year 1989; to the Committee on Environment and Public Works.

EC-560. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on Superfund implementation for fiscal year 1990; to the Committee on Environment and Public Works.

EC-561. A communication from the President of the United States, transmitting, pursuant to law, notice of the intention to add Chile to the list of beneficiary developing countries under the Generalized System of Preferences; to the Committee on Finance.

EC-562. A communication from the President of the United States, transmitting, pursuant to law, notice of the intention to add the Central African Republic, Paraguay, and Namibia to the list of beneficiary under the Generalized System of Preferences; to the Committee on Finance.

EC-563. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the fiscal year 1992 Arms Control Impact Statement; to the Committee on Foreign Relations.

EC-564. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled "Performance Management and Recognition System—1988 and 1989"; to the Committee on Governmental Affairs.

EC-565. A communication from the Executive Director of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the annual report of the Commission on audit and investigative activities; to the Committee on Governmental Affairs.

EC-566. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Follow-up Audit on Contracts Between the Department of Human Services and Metropolitan Health Associates, Inc."; to the Committee on Governmental Affairs.

EC-567. A communication from the Executive Secretary of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation on audit and investigative activities for fiscal year 1990; to the Committee on Governmental Affairs.

EC-568. A communication from the Executive Secretary of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-569. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-570. A communication from the Postal Rate Commission, transmitting, pursuant to law, their opinion and recommended decision in Docket No. R90-1; to the Committee on Governmental Affairs.

EC-571. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on compliance by States with personnel standards for radiologic technicians for 1990; to the Committee on Labor and Human Resources.

EC-572. A communication from the Acting Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for certain new direct grant programs in the Office of Special Education Programs; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 258. A bill to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990 (Rept. No. 102-11).

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. BAUCUS (for himself, Mr. HEINZ, Mr. ROCKEFELLER, Mr. RIEGLE, Mr. BREAUX, Mr. DASCHLE, Mr. GRASSLEY, Mr. DANFORTH, Mr. PRYOR, Mr. BINGAMAN, Mr. GLENN, Mr. DECONCINI, Mr. LEVIN, Mr. SYMMS, and Mr. MITCHELL):

S. 388. A bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements; to the Committee on Finance.

By Mr. KERREY (for himself, Mr. BUMPERS, Mr. DASCHLE, Mr. RUDMAN, Mr. PRYOR, and Mr. EXON):

S. 389. A bill to amend the Federal Home Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity; to the Committee on Banking, Housing, and Urban Affairs

By Mr. BOND:

S. 390. A bill to amend the Agricultural Act of 1949 to modify the method of calculating crop acreage for feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself, Mr. LIEBERMAN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. BRYAN, Mr. LAUTENBERG, Mr. SARBANES, Ms. MIKULSKI, Mr. WIRTH, Mr. GORE, Mr. KENNEDY, Mr. KERRY, and Mr. DODD):

S. 391. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself, Mr. PRYOR, and Mr. COHEN):

S. 392. A bill to amend chapter 23 of title 5, United States Code, to extend certain protection of the Whistleblower Protection Act of 1989 to personnel of Government corporations; to the Committee on Governmental Affairs.

By Mr. HEFLIN (for himself and Mr. DASCHLE):

S. 393. A bill to provide for fair treatment for farmers and ranchers who are participating in the Persian Gulf War as active reservists or in any other military capacity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOREN (for himself, Mr. MURKOWSKI, and Mr. COHEN):

S. 394. A bill to amend the National Security Act of 1947 to improve counter-intelligence measures through enhanced security for classified information, and for other purposes; to the Select Committee on Intelligence.

By Mr. ADAMS (for himself and Mr. GORTON):

S. 395. A bill to require the Secretary of Energy to establish the Fast Flux Test Facility as a research and development center to be known as the Research Reactor User Complex; to the Committee on Energy and Natural Resources

By Mr. WIRTH (for himself and Mr. HEINZ):

S. 396. A bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. WIRTH):

S. 397. A bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such newsprint, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WIRTH (for himself and Mr. HEINZ):

S. 398. A bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. WIRTH):

S. 399. A bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that Act, to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator to establish a recycling credit system for carrying out such recycling requirement, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SYMMS (for himself, Mr. MOYNIHAN, Mr. BURNS, Mr. CRAIG, Mr. GORTON, AND Mr. GARN):

S. 400. A bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. DOLE, AND Mr. SASSER):

S. 401. A bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals; to the Committee on Finance.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. BRADLEY, Mr. NICKLES, Mr. WIRTH, Mr. BUMPERS, AND Mr. WARNER):

S. 402. A bill to limit the jurisdiction of the Federal Energy Regulatory Commission over local distribution company wholesalers of natural gas for ultimate consumption as a fuel in motor vehicles; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself and Mr. KOHL):

S. 403. A bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges; to the Committee on Commerce, Science, and Transportation.

By Mr. SEYMOUR (for himself and Mr. CRANSTON):

S. 404. A bill to authorize the Secretary of Interior to enter into contracts pursuant to the Warren Act (Act of February 21, 1911, 36 Stat. 925, 43 U.S.C. 523 et seq.) for domestic, municipal, fish and wildlife, and other beneficial purposes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. SANFORD, Mr. HEINZ, Mr. PRYOR, Mr. DANFORTH, Mr. HOLLINGS, Mr. RUDMAN, Mr. KOHL, Mr. HELMS, Mr. BUMPERS, Mr. KASTEN, Mr. HEFLIN, Mr. THURMOND, and Mr. SHELBY):

S. 405. A bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment; to the Committee on Finance.

By Mr. THURMOND:

S. 406. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 407. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 408. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 409. A bill to temporarily suspend the duty on dimethyl succincyl succinate; to the Committee on Finance.

S. 410. A bill to temporarily suspend the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 411. A bill to temporarily suspend the duty on pentachlorothiophenol; to the Committee on Finance.

S. 412. A bill to temporarily suspend the duty on certain chemicals; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. SIMON):

S. 413. A bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia; to the Committee on Foreign Relations.

By Mr. METZENBAUM:

S. 414. A bill to provide access to check cashing services; to the Committee on Banking, Housing, and Urban Affairs.

S. 415. A bill to provide access to basic banking services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. MITCHELL, Mr. PACKWOOD, Mr. DURENBERGER, Mr. RIEGLE, Mr. BOREN, Mr. PRYOR, Mr. GRASSLEY, Mr. HEINZ, Mr. MCCAIN, Mr. WALLOP, Mr. CRANSTON, Mr. KERRY, Mr. BINGAMAN, Mr. BURDICK, Mr. LAUTENBERG, Mr. LEVIN, Mr. SANFORD, Mr. KOHL, Mr. BURNS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DODD, Mr. LOTT, Mr. COHEN, Mr. ROTH, Mr. SYMMS, Mr. BOND, Mr. LEAHY, Mr. RUDMAN, Mr. SHELBY, Mr. HELMS, Mr. LUGAR, and Mr. DECONCINI):

S. 416. A bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 417. A bill to establish energy conservation and clean energy requirements for Federal buildings, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 418. A bill to strengthen the family structure of the United States by providing protection for eligible individuals who desire or need to leave employment for a legitimate family purpose; to the Committee on Labor and Human Resources.

By Mr. RIEGLE:

S.J. Res. 69. Joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week"; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. BURDICK, Mr. PELL, Mr. WARNER, Mr. INOUYE, Mr. DOMENICI, Mr. JEFFORDS, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. CONRAD, Mr. MURKOWSKI, Mr. FORD, Mr. HOLLINGS, Mr. LEVIN, Mr. ADAMS, Mr. NUNN, Mr. KERRY, Ms. MIKULSKI, Mr. CRANSTON, Mr. PRYOR, Mr. GORE, Mr. SASSER, Mr. AKAKA, Mr. SANFORD, Mr. BUMPERS, Mr. MOYNIHAN, Mr. DIXON, Mr. GORTON, Mr. WELLSTONE, Mr. DODD, Mr. GRAHAM, Mr. FOWLER, Mr. SARBANES, Mr. SYMMS, Mr. DASCHLE, Mr. DECONCINI, Mr. D'AMATO, Mr. REID, and Mr. THURMOND, Mr. LUGAR, Mr. KASSEBAUM, Mr. KASTEN, Mr. HATCH, Mr. COHEN, Mr. PACKWOOD, Mr. BRYAN, Mr. KENNEDY, Mr. Biden, Mr. SIMPSON, Mr. BREAUX, Mr. SIMON, Mr. BOREN, Mr. METZENBAUM, Mr. ROTH, Mr. HEINZ, Mr. BROWN, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HELMS, Mr. BOND, Mr. EXON, Mr. CRAIG, Mr. COCHRAN, Mr. KERREY, and Mr. HEFLIN):

S.J. Res. 70. Joint resolution to establish April 15, 1991, as "National Recycling Day"; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. COATS, Mr. THURMOND, Mr. NUNN, Mr. DASCHLE, Mr. ADAMS, Mr. PELL, Mrs. KASSEBAUM, Mr. GLENN, Mr. D'AMATO, Mr. DECONCINI, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. AKAKA, Mr. LAUTENBERG, Mr. REID, Mr. JEFFORDS, Mr. HATCH, Mr. DURENBERGER, Mr. LEVIN, Mr. MOYNIHAN, Mr. KASTEN, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. RIEGLE, Mr. WELLSTONE, Mr. BRADLEY, Mr. STEVENS, and Mr. DIXON):

S.J. Res. 71. Joint resolution to designate the period commencing on February 10, 1991 and ending on February 16, 1991, as "Children of Alcoholics Week"; 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. MITCHELL (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. DASCHLE, Mr. WIRTH, Mr. LIEBERMAN, Mr. BIDEN, Mr. BRYAN, Mr. FOWLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. ADAMS, Mr. NUNN, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, Mr. BENTSEN, Mr. KASTEN, Mr. BUMPERS, Mr. INOUYE, Mr. KENNEDY, Mr. CRANSTON, Mr. REID, Ms. MIKULSKI, Mr. DECONCINI, Mr. HOLLINGS, Mr. SANFORD, Mr. DODD, Mr. KERRY, Mr. GORTON, Mr. GORE, Mr. LEAHY, Mr. JEFFORDS, Mr. WELLSTONE, Mr. PELL, Mr. SIMON, Mr. HARKIN, Mr. GRAHAM, Mr. LEVIN, and Mr. PRYOR):

S. Res. 53. Resolution expressing the sense of the Senate that the United States should take a leadership position in calling for worldwide carbon dioxide emissions reductions at the first meeting of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change to be held in Washington, D.C. on February 4th-14th, 1991; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 54. Resolution to direct the Senate Legal Counsel to represent Jack Blum in the case of United States v. Ronald Whitaker, et al; considered and agreed to.

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. THURMOND, Mr. RIEGLE, Mr. PACKWOOD, and Mr. SASSER):

S. Res. 55. Resolution congratulating the U.S.O. on the occasion of its Fiftieth Anniversary; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. HEINZ, Mr. ROCKEFELLER, Mr. RIEGLE, Mr. BREAUX, Mr. DASCHLE, Mr. GRASSLEY, Mr. DANFORTH, Mr. PRYOR, Mr. BINGAMAN, Mr. GLENN, Mr. DECONCINI, Mr. LEVIN, Mr. SYMMS, and Mr. MITCHELL):

S. 388. A bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements; to the Committee on Finance.

TRADE AGREEMENT COMPLIANCE ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Trade Agreement Compliance Act of 1991.

The 1990 national trade estimate devotes 208 pages to listing foreign trade barriers—over 1,000 such trade barriers are cited.

But not all foreign trade barriers are equally troubling.

In drafting the 1988 Trade Act, the Congress recognized that there was one type of unfair trade practice that warranted special attention: Violations of trade agreements.

TRADE AGREEMENT VIOLATIONS

The United States has concluded many trade agreements with its trading partners.

Most are familiar with the major agreements, such as the General Agreement on Tariffs and Trade and the United States-Canada Free-Trade Agreement.

In addition to these agreements, however, the United States has entered into dozens of other trade agreements to address various trade problems.

For example, the United States has concluded trade agreements with Japan addressing issues ranging from construction to pharmaceuticals to structural impediments to trade.

The United States has also reached agreements with the EC on compensation, with Korea on investment, and with numerous other nations on protection of intellectual property—to name only a few.

Unfortunately, our trading partners have not always lived up to their commitments under these agreements.

The United States, for example, had concerns regarding the EC's compliance with a trade agreement reached to compensate the United States for the assension of Spain and Portugal into the EC.

Recently, very serious Japanese violations of the United States-Japan Construction Agreements have come to light.

Korea appears to have violated several trade agreements with the United States in recent months, including the agreement reached last year to open the beef market.

There have been allegations of serious enforcement problems involving the Softwood Lumber Memorandum of Understanding between the United States and Canada.

Several disputes have arisen over Japanese compliance with its commitments to the United States under the market oriented sector specific [MOSS] talks.

Recently, the International Trade Subcommittee heard testimony that the People's Republic of China is not complying with terms of a 1988 agreement with the United States to end predatory pricing of satellite launch services.

Finally, there is a longstanding dispute over Japanese compliance with the 1986 semiconductor trade agreement between the United States and Japan.

Unfortunately, this is only a partial list.

THE TRADE AGREEMENTS COMPLIANCE ACT

Often these trade agreements do not contain an adequate dispute settlement mechanism to address noncompliance.

In passing the 1988 Trade Act Congress paid special attention to trade agreement violations. These violations were classified as "unjustifiable" trade practices subject to mandatory trade retaliation under section 301 of U.S. trade law.

Unfortunately, there were oversights in the 1988 Trade Act. No comprehensive procedure was established for reviewing compliance with the many agreements reached between the United States and its trading partners.

Section 306 of U.S. unfair trade law does allow the administration to review foreign compliance with certain trade agreements.

But there is no authority under which private parties with an interest in a trade agreement can trigger a U.S. Government review of foreign compliance.

Today, I rise to introduce the Trade Agreement Compliance Act of 1991 to fill that gap in U.S. trade law. The leg-

islation is cosponsored by Senators HEINZ, ROCKEFELLER, RIEGLE, BREAUX, DASCHLE, GRASSLEY, DANFORTH, PRYOR, BINGAMAN, GLENN, DECONCINI, LEVIN, SYMMS, and MITCHELL.

A companion measure will be introduced by Congressman MATSUI in the House.

The Trade Agreements Compliance Act establishes a regular procedure under which an interested U.S. party can review our trading partners' compliance with these trade agreements as often as annually.

Under this act, the U.S. Trade Representative retains her authority to review any agreement.

If violations are found and the trading partner involved refuses to come into compliance, the U.S. Trade Representative is required under the 1988 Trade Act to retaliate against exports from that nation to the United States.

This legislaton does nothing more than ensure that other nations do not take advantage of the United States. It is not an attempt to define questionable foreign trade practices as unfair.

No reasonable party can argue that violations of trade agreements are not unfair.

Yet, the United States has too often been unwilling to forcefully assert its rights under trade agreements.

UNITED STATES-JAPAN CONSTRUCTION AGREEMENT

For example, today or tomorrow the Bush administration is reportedly holding an interagency meeting to consider retaliating for Japan's violations of the United States-Japan construction agreements.

Administration officials have previously agreed that Japan clearly violated the construction agreements in conducting the bidding on major construction projects, including Kansai airport.

Yet, I now hear disturbing reports that the administration is contemplating not retaliating against Japan for this clear violation of a trade agreement as a token of appreciation for Japan's pledge of $9 billion to the gulf effort.

This is just another example of misplaced priorities.

If Japan does come through with its pledge of $9 billion for the gulf—and that is far from a certainty, it will only be paying its fair share and perhaps not even that.

After all, Japan is more dependent on Persian Gulf oil than the United States.

We should not reward Japan for doing something it is already obligated to do. Certainly, we should not allow Japan to violate its trade agreements.

The bottom line is a deal is a deal. And if Japan or any other country is not willing to live up to its commitments we must be prepared to take the requisite responsive action.

We cannot continue sacrificing U.S. economic interests to promote foreign policy objectives, particularly when those objectives are more in the interests of other countries than they are of our own objectives.

Unfortunately, this is not an isolated instance. It is merely another example of the warped decisionmaking that has paralyzed U.S. trade policy over the years.

If we continue to turn a blind eye to trade agreement violations, we will encourage our trading partners to play fast and loose with their commitments to the United States.

We must put our foot down.

Demanding compliance with trade agreements should be the cornerstone of U.S. trade policy.

If we do not demand compliance with agreements, all the resources the United States has invested in trade negotiations are effectively wasted.

We must tell the world we will not stand for trade agreement violations. And we must leave no doubt in the minds of our trading partners that we will respond to trade agreement violations.

I believe this legislation is a critical element of U.S. trade policy.

Last year, I held a hearing of the International Trade Subcommittee of the Senate Finance Committee on an earlier version of this legislation.

After that hearing, many of my Finance Committee colleagues decided to join me in reintroducing the measure in the 102d Congress. I am pleased that the list of cosponsors now includes the majority of the Members of the Senate Finance Committee—the committee with jurisdiction over this matter.

With their help I am confident this legislation can be made law this year.

Mr. President, I ask unanimous consent that the text of the legislation and various statements related to the legislation be printed in the RECORD.

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

S. 388

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 "Trade Agreement Compliance Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that

(1) the United States has entered into numerous trade agreements with foreign country trading partners;

(2) foreign country performance with respect to certain agreements has been less than contemplated, and in some cases rises to the level of noncompliance; and

(3) there is a need to provide a mechanism whereby interested parties can obtain a periodic review of the performance of a foreign country under a trade agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that foreign countries which have made commitments through agreements with the United States fully abide by those commitments;

(2) to obtain foreign country compliance with agreements with the United States through negotiation or, in the alternative, through unilateral action in cases in which the GATT dispute settlement procedures cannot be employed;

(3) to achieve a more open world trading system which provides mutually advantageous market opportunities for trade between the United States and foreign countries;

(4) to facilitate the opening of foreign country markets to exports of the United States and third countries by eliminating trade barriers and increasing the access of industry of the United States and third countries to such markets; and

(5) to reduce diversion of third country exports to the United States because of restricted market access in foreign countries.

SEC. 3. REVIEW OF TRADE AGREEMENTS.

(a) IN GENERAL.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended by inserting after section 306, the following new section:

"SEC. 306A. REQUEST FOR REVIEW OF TRADE AGREEMENTS.

"(a) ANNUAL REVIEW OF TRADE AGREEMENTS.—

"(1)(A) At the written request of an interested person, the Trade Representative shall commence a review to determine whether a foreign country is in compliance with any trade agreement such country has with the United States.

"(B) An interested person may file a written request for review under paragraph (1) at any time after the date which is within 30 days after the anniversary of the effective date of such agreement, but not later than 90 days before the date of the expiration of such agreement.

"(C) A written request filed under this paragraph shall—

"(i) identify the person filing the request and the interest of that person which is affected by the noncompliance of a foreign country with a trade agreement with the United States;

"(ii) describe the rights of the United States being denied under such trade agreement; and

"(iii) include information reasonably available to the person regarding the failure of the foreign country to comply with such trade agreement.

"(D) For purposes of this subsection, an 'interested person' is any person with a significant economic interest that is affected by the failure of a foreign country to comply with a trade agreement.

"(E) For purposes of this subsection, the term 'trade agreement' means an agreement with the United States and is not intended to include multilateral trade agreements such as the General Agreement on Tariffs and Trade.

"(2) Not later than 90 days after receipt of a request for review under paragraph (1), the Trade Representative shall determine whether any act, policy, or practice of the foreign country that is the subject of the review is in material noncompliance with the terms of such agreement.

"(3) In conducting a review under this subsection, the Trade Representative may, as the Trade Representative determines appropriate, consult with the Secretary of Commerce or the Secretary of Agriculture.

"(b) FACTORS TO BE TAKEN INTO ACCOUNT.—In making a determination under subsection (a)(2), the Trade Representative

shall take into account, among other relevant factors—

"(1) achievement of the objectives of the agreement,

"(2) adherence to commitments given, and

"(3) any evidence of actual patterns of trade that do not reflect patterns of trade which would reasonably be anticipated to flow from the concessions or commitments of such country based on the international competitive position and export potential of a United States industry.

The Trade Representative may seek the advice of the United States International Trade Commission when considering these factors.

"(c) FURTHER ACTION.—

"(1) If, on the basis of the review carried out under subsection (a), the Trade Representative determines that a foreign country is in material noncompliance with an agreement within the meaning of subsection (a)(2), the Trade Representative shall determine what further action to take under section 301(a).

"(2) For purposes of section 301, any determination made under subsection (a) shall be treated as a determination made under section 304.

"(3) In determining what further action to take under paragraph (1), the Trade Representative shall take into account the criteria described in subsection (d) with respect to possible sanctions.

"(d) SANCTIONS.—In developing a list of possible sanctions to be imposed in the event a determination is made under subsection (a)(2), the Trade Representative shall seek to minimize any adverse impact on existing business relations or economic interests of United States persons, including consideration of taking action with respect to future products for which a significant volume of current trade does not exist.".

(b) CONFORMING AMENDMENT.—The table of contents of chapter 1 of title III of the Trade Act of 1974 is amended by inserting after the item releating to section 306 the following new item:

"Sec. 306A. Request for review of trade agreements.".

SEC. 4. INTERNATIONAL OBLIGATIONS.

The amendments made by this Act shall not be construed to require actions inconsistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.

TRADE AGREEMENTS COMPLIANCE ACT STEERING GROUP

We believe the United States has an overwhelming interest in ensuring that our trading partners comply fully with market-opening trade agreements they have reached with the United States. Unfortunately, there have been concerns about foreign compliance with trade agreements in a number of industries. In this regard, we believe that there is a need for a mechanism whereby interested parties can obtain a periodic review of the performance of a foreign country under a trade agreement.

Accordingly, we support the Trade Agreements Compliance Act which has been introduced in the Senate by Senator Max Baucus and in the House by Representative Bob Matsui. It is a reasonable approach to a serious problem.

ASSOCIATIONS AND COMPANIES IN SUPPORT OF THE TRADE AGREEMENTS COMPLIANCE ACT

American Plywood Association.
Bohemia.
Contact Lumber.
Georgia Pacific.
Louisiana-Pacific.
National Particleboard Assn.
Northwest Independent Forest Manufacturers.
Potlatch.
Southern Forest Products Assn.
Stimpson Lumber.
Temple-Inland.
Trus Joist.
Weyerhaueser.
Willamette.
American Electronics Association.
National Forest Products Association.
Labor-Industry Coalition for International Trade.
Texas Instruments.
B.F. Goodrich.
Communications Workers of America.
National Machine Tool Builder Association.
Semiconductor Industry Association.
Telecommunication Industry Association.
U.S. Business and Industry Council.
American Meat Institute.

COMPUTER SYSTEMS POLICY PROJECT,
Washington, DC, June 28, 1990.

Hon. MAX BAUCUS, U.S. SENATE, HART SENATE OFFICE BUILDING, WASHINGTON, DC.

DEAR MAX: I am writing to convey the Computer Systems Policy Project's (CSPP) support of S. 2742. We find the approach in S. 2742 preferable to that in S. 2337 and appreciate the work you have done.

CSPP supports efforts to ensure that signatories comply with the terms of their foreign trade agreements with the United States. Indeed, the basis of an agreement suggests that the parties will comply with its terms.

We believe Section 306 of the Trade Act of 1974, as amended, ensures such compliance, but we recognize that a question remains as to whether private parties have standing to request governmental review of compliance. In our view, a narrowly drawn bill such as yours is a more proper and appropriate way to clarify this issue in favor of standing.

We appreciate the constructive approach of your bill, which limits review to the question of material compliance with the terms of an agreement. We feel this best tracks the intent of Section 306, which itself is dedicated to specific trade agreements.

We would like to suggest, however, that the term "bilaterial agreements," as used in the bill, may need clarification in order to avoid ambiguities concerning the use of side letters in conjunction with formal agreements.

We look forward to working with you on your legislation.

Sincerely,

JOHN A. YOUNG,
Chairman, CSPP.

DEWEY, BALLANTINE, BUSHBY, PALMER & WOOD,
Washington, DC, July 12, 1990.

Mr. GREG MASTEL,
Office of Senator Max Baucus, Hart Senate Office Building, Washington, DC.

DEAR GREG: I am happy to report that the Coalition for Fair Lumber Imports supports adoption of the Trade Agreements Compliance Act. In Senator Baucus' efforts to encourage adoption of that legislation, please use the Coalition's support as you see fit.

In addition, I am enclosing a press release concerning the Coalition's support for continued enforcement of the Softwood Lumber Memorandum of Understanding that I thought may be of interest to you.

Please call me if I can be of any further assistance.

Sincerely,

MICHAEL H. STEIN,
Counsel, Coalition for Fair Lumber Imports.

STATEMENT BY JOHN E. HOWARD OF THE U.S. CHAMBER OF COMMERCE

SUMMARY

The Trade Agreement Compliance Act represents an eminently logical approach to improving trade policy consultation between the U.S. business community and government and strengthening the credibility of U.S. trade policy.

On August 18, 1987, the U.S. Chamber of Commerce recommended that the omnibus trade bill conferees adopt Senate language mandating U.S. government initiation of section 301 investigations, provided they were limited to likely violations of trade agreements.

However, there is currently no systematic process by which the private sector, having itself determined that a U.S. government review of trade agreement compliance is warranted, can be assured that its determination will result in such a review.

The proposed Trade Agreement Compliance Act (S. 2742) constructively addresses this omission by providing the private sector with a clear avenue for obtaining the reviews that are essential to maintaining compliance with trade agreements.

STATEMENT

I am John Howard, executive director of the U.S. Chamber of Commerce's Market Access Subcommittee. The Chamber welcomes this opportunity to appear before the subcommittee to comment on S. 2742, the proposed "Trade Agreement Compliance Act." This Act represents an eminently logical approach to improving trade policy consultation between the U.S. business community and government and strengthening the credibility of U.S. trade policy. Simply put, it states that nations should keep their word, and be held accountable if they do not. At the same time, S. 2742 leaves intact the current section 301 definition of unfair foreign trade practices. It does not raise the standard of fairness under U.S. trade law by defining additional trade practices as subject to possible retaliation, but rather would ensure greater adherence to that standard by compelling greater scrutiny.

On August 18, 1987, in its comparison of major provisions subject to the House-Senate conference on omnibus trade legislation, the Chamber recommended that the conferees adopt Senate language mandating U.S. government initiation of section 301 investigations, provided they were limited to likely violations of trade agreements.

S. 2742 constructively addresses this omission by providing the private sector with a clear avenue for obtaining the reviews that are essential to maintaining compliance with trade agreements. It provides that, upon the written request of an interested person, USTR shall begin a review to determine whether a foreign country is in compliance with any trade agreement that country has with the United States. If it is found that the agreement is not being complied with, section 301 action must be considered.

S. 2742 is properly intended to apply primarily to bilateral trade agreements, which often do not include effective dispute settlement mechanisms, and not to multilateral agreements such as the General Agreement on Tariffs and Trade (GATT). This approach

is well-advised in view of the need to maintain maximum focus on ongoing efforts to strengthen the GATT dispute settlement process itself.

The Chamber continues to view maintenance and strengthening of the GATT as essential to U.S. international economic interests. However, there are literally dozens of bilateral trade agreements between the United States and various other countries which, properly implemented, should supplement our multilateral interests. These agreements require continuous monitoring if U.S. trade policy and administration is to retain credibility and the legitimate trade rights of the private sector are to be safeguarded.

STATEMENT OF HOWARD D. SAMUEL OF THE LABOR-INDUSTRY COALITION FOR INTERNATIONAL TRADE

SUMMARY

LICIT believes that TACA is a necessary improvement in U.S. trade laws, primarily because foreign governments have often failed to adhere to trade agreements negotiated with the United States.

For example, in 1989 South Korea was not named a "priority country" under Super 301 because it agreed to several market-opening packages. Since that time however, the Korean government has launched an all-out campaign against the consumption of foreign goods. Meanwhile, the European Community has tried to renege on tariff concession made on oilseeds during the 1961–62 Dillon Round.

Japan also has a less than steller record with respect to honoring its commitments. In 1972, President Nixon and Prime Minister Tanaka reached an understanding on the Japanese distribution system—an agreement that did not prevent passage of the discriminatory Large-Scale Retail Sore Law two years later.

TACA will strengthen the ability of U.S. negotiators to ensure that trade agreements are fully implemented. If commitments are not lived up to, the U.S. government will be required by law to achieve compliance or impose sanctions.

As effective as TACA will be in improving the odds that U.S. trade agreements result in increased U.S. exports or an end to certain foreign unfair trade practices, however, it is only as good as the agreements themselves. For example, agreements negotiated with the Japanese on supercomputers (in 1986) and construction projects (in 1988) did not adequately resolve the trade problems plaguing these industries, and the issues have had to be reopened.

In some instances, therefore, it may be necessary to determine in advance what level of increased exports would constitute success. This modest form of results-oriented trade policy, far from bringing about the collapse of the international trading system, will ultimately lead to more harmonious relations between the U.S. and its trading partners.

Finally, TACA's effectiveness will also be reduced if U.S. trade laws—Section 301, Section 337, and the antidumping and countervailing duty laws in particular—are weakened as a result of the Uruguay Round. LICIT urges the Senate Finance Committee to pay close attention to these negotiations to ensure that agreements reached in the Round are in the economic interests of the United States.

TESTIMONY

The Labor-Industry Coalition for International Trade (LICIT) is pleased to have the opportunity to testify at this hearing on the Trade Agreements Compliance Act of 1990. My name if Howard Samuel. I am the President of the Industrial Union Department of the AFL–CIO, and co-chair of the Labor-Industry Coalition for International Trade.

LICIT was formed in 1979 to represent the common interest of American workers and American firms in increased, balanced and equitable international trade. Our membership includes 20 major U.S. manufacturing firms and labor organizations. A list of our member organizations is attached.

In a recent telex to all U.S. ambassadors, Deputy Secretary of State Lawrence Eagleburger wrote that "it's no exaggeration to say that our economic health and our ability to trade competitively on the world market may be the single most important component of our national security as we move into the next century."

If that is the case, and I am convinced that it is, then determining whether foreign governments are in compliance with trade agreements may be as important as counting troops, missiles and phased-array radar systems for purposes of arms control treaty verification. This is a startling, but true statement.

LICIT believes that the Trade Agreements Compliance Act is an important addition to U.S. trade laws. In our 1989 white paper on international trade, we noted that:

"In an unprecedented show of cooperation, business and labor worked closely with Congress to reform America's trade laws. These new laws must now be enforced. Top priority should be given to ensuring that foreign governments honor the commitments they make to stop unfair trade practices."

MAINTAIN U.S. TRADE LAWS

Before I explain why LICIT supports TACA, I want to make one observation at the outset. The effectiveness of this legislation will be reduced if U.S. trade laws are weakened during the course of the Uruguay Round. If we agree to make major changes in our trade laws—the United States government may not have the tools with which to enter into trade agreements.

LICIT is concerned about this issue because of the negotiating objectives of many of our trading partners in the Uruguay Round. All of our most important trade laws are under attack: Section 301, Section 337, and our antidumping and countervailing duty laws.

Section 301: High-level EC officials have said that a successful conclusion of the Uruguay Round will require modification or even elimination of Section 301 of the 1974 Trade Act—the law the United States uses to open foreign markets. The Journal of Commerce recently quoted one Administration official as saying:

"If we can agree on a rules and discipline process, you take away the underlying need for unilateral action, and the United States is in a better position to say it won't take unilateral action . . . If we get a clear package of rules and a binding dispute settlement mechanism, the United States would have to conform the 301 process to get authorization from GATT before it retaliates."

Section 337: A GATT panel report has determined that Section 337, the law we use to stop foreign piracy of our intellectual property, does not conform with GATT principles. If the United States loses the ability to respond quickly and effectively to foreign theft of our intellectual property—investment in new products and technologies will be curtailed.

Antidumping and countervailing duty laws: Numerous foreign government proposals would severely limit the ability of the United States to offset the adverse effects of dumped and subsidized goods. The current negotiating text on subsidies, for example, would legitimize regional subsidies, thereby undermining U.S. countervailing duty law.

LICIT hopes that the Senate Finance Committee will pay particularly close attention to any Uruguay Round negotiations that have the potential to weaken U.S. trade laws. It is our view that international disciplines over unfair trade practices must be strengthened, and that an Uruguay Round package that moves us in the opposite direction is not in our economic interests. We have expressed these concerns to Administration officials involved in the GATT talks, and have found them to be open to our point of view. However, given the leadership role that the Senate Finance Committee played in crafting the 1988 Trade Act, we feel that oversight by the Committee in this area would be extemely helpful. concluded: "Americans see the negotiated solution as final and implementation naturally therefrom. Japanese see the negotiated solution as one more stage and implementation as a subject for further negotiation." This is led to what one might call the "Rip Van Winkle" phenomena. A U.S. trade negotiator who fell into a deep sleep for twenty years would wake up to find many of the same issues on the U.S.-Japan trade agenda. Consider the following passage which appeared in the Japanese press:

"The U.S. side's assertion is [that] because the distribution structure in Japan is complicated, retail prices of goods imported from the U.S. do not go down. As a result of this, the sales are stagnant, and imports from the United States do not increase."

This story was not, as one might imagine, based on coverage of the recently concluded Structural Impediments Initiative. It is a July 5, 1972 story on U.S.-Japanese negotiations to liberalize the Japanese distribution system. Unfortunately, two years after President Nixon and Prime Minister Tanaka reached an understanding on the Japanese distribution system, Japan passed the Large-Scale Retail Store Law—which gave small shopkeepers in Japan veto power over any new retail outlets over 500 square meters.

TACA: STRENGTHENING THE HAND OF U.S. TRADE NEGOTIATORS

TACA will enhance the leverage of U.S. trade negotiators. As a rule, our trading partners do only what is necessary to deflect U.S. pressure regarding their trade performance. Once an agreement has been signed, ensuring that it is implemented may not always receive high-level political attention in the United States. By providing a streamlined oversight process that the private sector can easily participate in, TACA increases the incentive of our trading partners to fully implement the agreement. Our trade negotiators can tell their counterparts that if commitments are *not* lived up to, the United States government will be required by law to achieve compliance or impose sanctions.

Clearly, the ability of foreign governments to violate commitments they have made without paying any price damages the credibility of U.S trade policy. Although our trade negotiators are exceptionally dedicated and hard-working—the high degree of turnover limits our ability to develop an institutional memory on trade policy issues. All too often, a change in personnel or administration forces us to start from square one. By allowing the private sector to become more engaged in the implementation of trade agreements—TACA may increase the

continuity and credibility of U.S. trade policy.

NEGOTIATE SOLID AND COMPREHENSIVE AGREEMENTS

Passage of the Trade Agreements Compliance Act will help improve the odds that U.S. trade agreements actually result in increased U.S. exports or an end to the foreign unfair trade practice in question. But the Committee should also consider why so many trade issues are hardy perennials. Sometimes it is because the agreement itself did not comprehensively deal with the problem.

For example, our 1986 agreement with the Japanese on supercomputers formally opened up the public sector bidding process. It did not, however, solve the problem of deep discounts. Japanese companies were selling their supercomputer manufacturers at discounts of up to 85 percent to research institutes and universities, which had the effect of shutting American companies out of the market. This is why the United States was forced to re-open this issue in 1989. Similarly, requiring the Japanese to publicize construction projects in their version of the *Federal Register* won't open up the Japanese construction market. We have to convince Japan to vigorously prosecute bid-rigging—the so-called "dango" system.

In some instances, where barriers are difficult to identify and remove, and there is no freely operating market to open, negotiating over process may not be enough. It may be necessary to determine in advance what level of increased exports would constitute success. This modest form of results-oriented trade policy will not, as some have claimed, bring about the collapse of the international trading system. It will lead to a more effective trade policy for U.S. exporters and, in the long-run, more harmonious relations with our trading partners.

LABOR-INDUSTRY COALITION FOR INTERNATIONAL TRADE MEMBER ORGANIZATIONS

Allegheny Ludlum Corporation.
The BFGoodrich Company.
Amalgamated Clothing and Textile Workers Union
Cincinnati Milacron Inc.
Communication Workers of America.
Corning Glass Works.
International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers.
International Brotherhood of Electrical Workers.
American Flint Glass Workers Union.
Inland Steel Industries, Inc.
International Ladies' Garment Workers Union.
Industrial Union Department, AFL-CIO.
International Association of Machinists and Aerospace Workers.
Motorola, Inc.
Oil, Chemical and Atomic Workers International Union.
United Paperworkers International Union.
United Rubber, Cork, Linoleum and Plastic Workers of America.
United Steelworkers of America.
TRW, Inc.
W.R. Grace and Company.

(LICIT is a coalition of industrial unions and corporations that was formed in 1980. The coalition is a voluntary association representing a broad spectrum of American industry and is not an official arm of any labor or business group. LICIT's charter states that the coalition seeks to represent the common interest of American workers and American business in promoting increased, balanced, and equitable trade among all nations of the world. Without reference to outdated slogans of 'free trade' and 'protectionism' it will support adoption of government policies and industry practices which encourage open, fair competition for foreign products in the United States market as well as for American made products in foreign markets.")

Mr. HEINZ. Mr. President, a few moments ago the distinguished Senator from Montana, Senator BAUCUS, was here on the floor to reintroduce the Trade Agreements Compliance Act. I am an original cosponsor of his legislation from last year and again this year. I am pleased to join with him in reintroducing this legislation which establishes regular procedure for reviewing foreign compliance with trade agreements and a series of steps to be taken to enforce such compliance.

I come here to the floor because I believe this is an important bill from the standpoint of general trade law enforcement and also from the particular perspective of the semiconductor industry which, as we know, is one of our basic high technology industries on which so many others depend.

With respect to general enforcement, I think it is virtually axiomatic that oversight and compliance verification are not things that either the executive branch or the legislative branch do well. Frankly, it is human nature for us to focus our resources and attention on the negotiation when that negotiation is in progress. But then having focused on the making of the deal, we tend to concentrate on making the next deal and we forget to make sure that the obligations of all the parties under the first arrangement are undertaken. This is only natural since it is a rather less exciting and more boring task to police an agreement that is 1, 2, or 3 years old than to negotiate a new agreement that will land you on the front page of the New York Times.

So the emphasis in government is, indeed, as many of our critics have pointed out, on the short term—the next problem—rather than on the long term or the assessment of past progress. Maintaining sufficient discipline to overcome that tendency has obviously proven exceptionally difficult not only in government but, I might add, in the private sector as well.

The result in the trade area, where we know we have enormous challenges and problems, has been a number of situations where the implementation of an agreement has been far less than we had hoped. With respect to the European Community, for example, the pasta case, with which some of us are extremely familiar, and the canned fruit case both proved to be a series of rather visible negotiations, followed by a failure to comply, followed by still more negotiations.

In the case of Japan, the record is even more bleak. We had to initiate a supercomputer, super 301 case since our previous agreements in that area with the Japanese Government were simply not honored. And, of course, compliance with the semiconductor agreement, which I believe Senator BAUCUS spoke on at some length, continues to be an extremely serious problem.

In most of these cases, the monitoring of results and the impetus for remedial action came largely from the affected industry, not from those who negotiated the deal, namely, the U.S Government. While the industry has the most at stake and is generally in the best position to observe the implementation process, these are, nonetheless, government-to-government agreements and all governments have a responsibility to make sure that compliance is achieved. The domestic industry, which is often in difficult straits and has often expended considerable resources in pursuing its complaint, should not also bear the responsibility of policeman while it is still the plaintiff.

A case in point, Mr. President, and really one that inspired this bill, as Senator BAUCUS mentioned, is indeed the semiconductor agreement. In that case, what we have is a Japanese failure to honor the third market and market access provisions leading to the imposition of substantial sanctions by the Reagan administration. With respect to access to the Japanese market, there has been very little appreciable progress. When negotiations started, the United States had about 10 percent of that semiconductor market in Japan. Today, we still supply only 12 percent of that market when the agreement's side letter calls for a 20-percent share this year. And yet, despite that lack of progress, our government has been reluctant to take vigorous action. Despite the recommendation of numerous Members of Congress last year and the year before, this matter was not placed on the super 301 list, even though the imposition of sanctions demonstrated a prima facie case of a violation.

In 1989, we were all treated to unexpected statements by Ambassador Hills to the effect that she did not negotiate the agreement and implying that, had she done so, she would have done it very differently. Those remarks, as well as our failure to use the super 301, only told the Japanese that we are not serious about this agreement and do not intend to take any aggressive action to enforce it. I say this because it is the only way I can explain the failure of Japan to live up to what was a very clear agreement.

Thus, while the Trade Agreements Compliance Act is not sector specific and focuses on improving needed oversight in the Government, it will, nonetheless, provide a mechanism for addressing the semiconductor case as the agreement expires this summer and we face the issue of renegotiation.

In that regard there should be no question about this criticality of this sector. I have spoken on that subject numerous times in this Chamber and I will not do it again today. Suffice it to say, Mr. President, I believe we have a consensus here on the need to maintain a viable domestic semiconductor industry for the sake of our national security and our industrial infrastructure.

Preserving our industry requires regulating our trade relations with Japan in this sector by doing our best to stop their dumping in the United States and elsewhere permanently and opening their market to our product. A regular review procedure, with real consequences for noncompliance such as is provided by this bill, will be an important step toward achieving that goal. I urge all Senators to support it.

By Mr. KERREY (for himself, Mr. BUMPERS, Mr. DASCHLE, Mr. RUDMAN, Mr. PRYOR, and Mr. EXON):

S. 389. A bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION TRUST CORPORATION REORGANIZATION ACT

Mr. KERREY. Mr. President, I rise today to introduce the Resolution Trust Corporation Reorganization Act of 1991. I am introducing this piece of legislation now because I believe the issue of the structure of the RTC must be addressed before Congress votes to provide any additional funds to that agency.

Mr. President, within a relatively short period of time—perhaps the next 30 days—this body, I hope, will vote as to whether or not to spend an additional $30 billion of taxpayer money. This body will go to taxpayers and say we need $30 billion and we are going to give it to the RTC. We are also going to provide them with the authority to raise $50 billion of additional capital, $80 billion total. It is a large sum of money, Mr. President.

Last fall, Treasury Secretary Brady, who is the chairman of the oversight board, sent a letter to the Congress that he would not come and testify before either the Senate or House Banking Committee to describe how the proceeds were going to be used; he was too busy or had scheduling conflicts and it was difficult for him to get here.

Mr. President, that illustrates the problem that we have right now. We have debated at length how this money is going to be used and the structure of the banking system now is being examined again, with the administration's proposals, in many ways very worthwhile proposals, understanding we have a capital problem in the United States of America.

What has been missed and what this bill attempts to do in a rather simple fashion is to say the policy matters; it matters what kind of an oversight board you have; that the oversight function should not be done in just a perfunctory way.

Treasury Secretary Brady has said, on a number of occasions when I have asked him about how much time he puts into oversight, he says, "Well, about an hour a week."

Well, I am arguing with this bill that we need a lot more than that for the most expensive operation we have right now in the Government, and the most difficult one to sell to the people. I have said at home that this is going to be a difficult vote for me. The response I get from people that understand the problem, they say well, you have to vote to do it. Well, I do not, Mr. President. I have to get permission from the people before I can vote for $30 billion.

They say, "Well, it is irresponsible not to." I argue that it is irresponsible for us not to go to the people and have their level of confidence high enough that they give us permission. And we have missed that point.

There has been a lot of work on this piece of legislation, a lot of time and attention given to the value of the assets and the ways in which those assets have been disposed. But what we fail to pay attention to, Mr. President—and I believe if we have a rollcall vote it will reflect that—we fail to pay attention to the need to get the consent of the people on an issue, by the way, Mr. President, that people already have a rather low trust on.

They regard this as a situation where lots of people came in and used and abused the rights that were given to them and they do not take kindly to the amount of money that has been required to now solve this problem and bail out the S&L's.

This is a very simple bill. It could not be more simple. It does not reduce the President's authority. It does not interfere with the responsibilities of Congress. It does not call for any new bureaucracies or paperwork. And it would not interrupt the work now under way at either the RTC or the Office of Thrift Supervision.

The reorganization called for under this legislation would occur only at the policy oversight level. It would pare back the two current oversight boards into a single board composed of four public and five private members. Under this structure the President would appoint a strong, full-time Chairman who would communicate to the American people, the President, and the Congress in such a way that restores confidence in what we are doing.

In addition to the Chairman, four other private sector members would be appointed by the President and confirmed by the Senate. The bill would retain the three public members who now serve on the RTC Oversight Board, the Secretary of the Treasury, the Chairman of the Federal Reserve and the Secretary of Housing and Urban Development. It would add one more public member, the Chair of the Federal Deposit Insurance Corporation.

Instead of the current RTC structure in which the bailout is overseen by three of the busiest people in Washington, the American people deserve to have a full-time board in place that brings together top private sector talent and top public officials to solve one of the most complex problems faced by our country.

We need a board that will not be afraid to make tough policy decisions, and that will be insulated from everyday political pressures from the administration and the Congress. We need five private sector individuals, and particularly a strong Chairman, who can begin immediately to rebuild the confidence of the American people that their tax dollars are not being wasted again.

We need a board which is so obviously qualified that Americans will trust their recommendations. Last year, Postmaster General Tony Frank testified before the Senate Banking Committee in support of legislation of this kind. He offered a telling suggestion as a guide for selecting a chairman for this board: Find someone who does not want the job.

Mr. President, that is exactly what we need. We do not need someone who will tell us what we want to hear, or someone who is looking to establish his or her credentials for a lucrative private sector career. We need someone who is so good they neither want nor seek what may be the most difficult and important thing our President could ask a citizen to do.

Mr. President, I ask unanimous consent that the summary of my bill and the full text be included in the RECORD following my statement.

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

(See exhibit 1.)

Mr. KERREY. I believe that putting a new structure in place should be a high priority, but it is particularly important before we even think about giving additional funds to the RTC. I believe it is wrong to ask Nebraskans to pay their share of the $30 billion for the RTC's work without ensuring that we have an accountable and open structure overseeing the effort.

The President talked in his State of the Union Message about empowerment, giving choice to individual citizens. Another element of empowerment, Mr. President, is making sure that the public knows what is going on, giving them information so they can make an informed decision. I suggest, Mr. President, the reason the American people are very suspicious, deeply so, about this particular bailout

is that they are being provided with an insufficient amount of information. They no longer trust that we are doing the right thing.

I believe for these reasons and others it is important we move to restructure the RTC oversight body in order to rebuild confidence in the work of the savings and loan bailout.

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

S. 389

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 "Resolution Trust Corporation Reorganization Act".

SEC. 2. MANAGEMENT OF THE RESOLUTION TRUST CORPORATION.

(a) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by striking paragraphs (1) through (3) of subsection (a) and inserting the following:

"(1) IN GENERAL.—There is established the Board of Governors of the Resolution Trust Corporation.

"(2) FUNCTION.—The Board of Governors shall oversee and manage the Resolution Trust Corporation (hereinafter in this section referred to as the 'Corporation'). The Board of Governors shall be an 'agency' of the United States for the purposes of subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

"(3) MEMBERSHIP.—

"(A) IN GENERAL.—The Board of Governors shall consist of 9 members as follows:

"(i) 5 independent members appointed by the President, by and with the advice and consent of the Senate, from among individuals with experience in banking, finance, real estate, and business management. Nominations to fill such positions shall be referred to the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(ii) The Secretary of the Treasury.

"(iii) The Chairman of the Board of Governors of the Federal Reserve System.

"(iv) The Secretary of Housing and Urban Development.

"(v) The Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

"(B) POLITICAL AFFILIATION.—Not more than 3 members appointed pursuant to clause (i) of subparagraph (A) shall be members of the same political party. No independent member of the Board of Governors shall hold any other appointed office during his or her term as a member.

"(C) CHAIRPERSON.—The Chairperson of the Board of Governors shall be designated from among the appointees under clause (i) of subparagraph (A) at the time of his or her nomination to the Board of Governors by the President. The Chairperson shall have the business experience necessary to govern the orderly disposition of the assets held by the Corporation.

"(D) QUORUM REQUIRED.—A quorum shall consist of 3 members of the Oversight Board appointed pursuant to subparagraph (A)(i).

"(E) TERM OF OFFICE.—The term of office of the members of the Board of Governors appointed pursuant to subparagraph (A)(i) shall be 5 years. Any vacancy in the Board of Governors shall be filled in the same manner as the original position was filled.".

(b) PROMPT APPOINTMENT.—The President is urged promptly to appoint all members of the Board of Governors of the Resolution Trust Corporation.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 21A of the Federal Home Loan Bank Act is amended—

(A) by striking "Oversight Board" each place it appears and inserting "Board of Governors"; and

(B) by striking subsection (b)(8).

(2) REFERENCES IN OTHER LAWS.—Any reference in any other provision of law to the Oversight Board of the Resolution Trust Corporation shall be deemed to be a reference to the Board of Governors of the Resolution Trust Corporation.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (c) shall take effect on the date of enactment of this Act, except that—

(1) the Oversight Board of the Resolution Trust Corporation as constituted immediately preceding such date such retain its power and authority as in effect on such date until such time as 3 of the nominees to be independent members of the Board of Governors have taken office;

(2) any individual nominated to be a member of the Oversight Board of the Resolution Trust Corporation shall be deemed to have been nominated to be a member of the Board of Governors of the Resolution Trust Corporation; and

(3) the conflict of interest regulations applicable to members of the Oversight Board shall apply to members of the Board of Governors.

(e) COMPENSATION OF BOARD OF GOVERNORS.—

(1) CHAIRMAN.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, Board of Governors, Resolution Trust Corporation.".

(2) MEMBERS.—Section 5313 of title 5, United States Code, is amended by striking "Oversight Board" and inserting "Board of Governors".

EXHIBIT 1

SUMMARY OF SENATOR BOB KERREY'S BILL TO RESTRUCTURE THE RESOLUTION TRUST CORPORATION AND BOARD OF GOVERNORS INTO A SINGLE GOVERNING ENTITY

Establishes an RTC Board of Governors replacing the current RTC Oversight Board and Board of Directors.

Board of Governors will be composed of:

Five nongovernment members appointed by President and confirmed by Senate. No more than three can be from any one political party. These members serve for five year terms. The President selects one nongovernment member to serve as chairman. At least three nongovernment members are required for a quorum.

Four government members (secretaries of HUD and Treasury, Federal Reserve Chairman, and Chairman of the Federal Deposit Insurance Corporation). Currently all but the FDIC Chairman sit on the Oversight Board.

Transition: The current Oversight Board shall retain its power until at least 3 of the nongovernment nominees have taken office.

Any member nominated or in office on the current Oversight Board will be considered as either a nominee or a member of the new Board of Governors.

Conflict of Interest: The conflict of interest regulations applicable to the Oversight Board apply to members of the Board of Governors.

Compensation: Nongovernment members will be compensated in the same fashion as Governors serving on the Federal Reserve Bank.

Relation to RTC: The Executive Director of the RTC will report directly to the Board of Governors.

By Mr. BOND:

S. 390. A bill to amend the Agricultural Act of 1949 to modify the method of calculating crop acreage bases for feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROP ACREAGE BASES FOR FEED GRAINS

Mr. BOND. Mr. President, I rise today to introduce legislation, along with Senators DOLE, DANFORTH, and KASSEBAUM, to combine the corn and sorghum bases under the Federal Food, Agriculture, Conservation, and Trade Act. The 1990 act unintentionally separates the corn and sorghum bases. This takes away flexibility that producers have enjoyed under the 1985 farm bill.

Farmers historically have used the option of substituting sorghum, or; as we call it, milo, for corn, or vice versa, while still participating in acreage reduction programs. Missouri, as an example, has over 45,000 corn and sorghum producers who participate in the program in any year. Without a change to combine the bases, over half of them could be adversely affected in any given year. If the weather is bad, for example, if it rains heavily and it is wet late in the spring, farmers cannot plant corn and they would want to move to milo, or grain sorghum, instead. Under the current language the policy would penalize them by taking away their base, their target price protection, and if they plant grain sorghum on their corn base, they would be without the necessary protections of the farm bill.

This year the Secretary of Agriculture has given a waiver to permit combining of corn and sorghum bases. I believe the Secretary was correct to exercise the administrative judgment to retain the flexibility. We should not be penalizing feed grain producers for bad weather. The option of substituting these feed grains also has avoided the need for the Government to pay disaster payments in the past.

I want to emphasize that this is a technical bill, like many technical matters, it has a real dollars-and-cents value for American farmers. It does not represent a major change in policy. The authors of the 1990 farm bill intended that the Secretary of Agriculture have discretion—as under the 1985 farm bill—to combine corn and sorghum bases. In order to give the Secretary statutory authority to establish different ARP levels for different feed grains, however, the 1990 law referred to the establishment of separate bases. Our intent was to give farmers flexibility to plant either corn or grain sorghum—after all, flexibility

is the hallmark of the 1990 farm bill. I believe we should give farmers the flexibility to plant either corn or grain sorghum.

In offering this bill, I do not intend to reopen the 1990 farm bill for consideration. We had the debate last year and it was a thorough one. I do believe it is important that we correct this technical deficiency in the 1990 farm bill in short order. The option to substitute sorghum for corn will give farmers the peace of mind during planting season, knowing that they have this flexibility.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 390

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

SECTION 1. CALCULATION OF CROP ACREAGE BASES FOR FEED GRAINS.

(a) DEFINITION OF PROGRAM CROP.—Section 502(3) of the Agricultural Act of 1949 (as amended by section 1101 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)) is amended by striking "corn, grain sorghums, oats, barley," and inserting "feed grains".

(b) CALCULATION OF CROP ACREAGE BASES.—Section 503(b)(1) of the Agricultural Act of 1949 (as amended by section 1101 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)) is amended by striking "each program crop" and inserting "a program crop".

Mr. DOLE. Mr. President, I rise in support of the bill offered by my colleague from Missouri. Simply put, this technical correction language restores the flexibility of the 1985 law, and allows the feed grains crop acreage base provisions to remain in step with the planting flexibility inititatives of the 1990 farm bill. Together, these much-needed policies will put planting decisions back in the hands of the person who should be making them—the farmer.

While widely known as the wheat State, my home State of Kansas is also No. 1 in the production of grain sorghum. Because we have not found a workable manner in which to legislate the weather, pest infestations, and other vagaries of the real world, those grain sorghum producers are often forced to plant an alternative feed grain, such as corn. The loss of this flexibility would be devastating to individual operators across the country, while limiting the influence of market incentives on feed grain production.

I specifically commend Secretary of Agriculture Clayton Yeutter for his decision to extend the provisions of the 1985 Act for the 1991 crop year. Flexibility has been the hallmark of the administration's farm policy platform, and they in no way wish to diminish the decisionmaking ability of the producer or the role of the market in planting decisions. So, in the final analysis, we have a win-win-win situation—for the farmer, for Congress, and for the administration.

To those who may view this legislation as a vehicle upon which to reopen the farm bill, let me call upon your common sense and good judgment. The time for such tinkering was last year, and we all played out our hands at that time. Whatever the populist and short-sighted motives may be that are driving the notion of reopening the bill, I urge my colleagues to think of your farmers' best interests. I am not willing to place Kansas farmers on the chopping block again by reopening a farm bill at the same time we are attempting to finance a war. Nor have I forgotten the fate of escalating loan rates and target prices to levels which interfere with the orderly flow of our commodities. I strongly urge Members to view this piece of legislation at face value—it is a technical correction to restore much needed flexibility to the farm bill.

By Mr. REID (for himself, Mr. LIEBERMAN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. BRYAN, Mr. LAUTENBERG, Mr. SARBANES, Ms. MIKULSKI, Mr. WIRTH, Mr. GORE, Mr. KENNEDY, Mr. KERRY, and Mr. DODD):

S. 391. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Environment and Public Works.

LEAD EXPOSURE REDUCTION ACT

Mr. REID. Mr. President, there were approximately 2 million people living in Kuwait prior to Iraq's invasion of that country. We are fighting a war in the Persian Gulf because we care about what happens to these 2 million people.

Here in the United States, over 3 million American children are endangered by a far more silent, but equally deadly enemy.

I am talking about lead poisoning. Over 3 million American children are at risk from lead poisoning. That's 1 million more American children than all the people who lived in Kuwait prior to August 2, 1990.

Why do we need a lead bill?

Because lead poisoning causes brain damage, lower IQ scores, comas, convulsions, behavior disorders, cancer, and even death. Lead-poisoned teenagers are seven times more likely to fail or drop out of high school.

If Saddam Hussein were poisoning 3 million American children with lead, the people of this country would cry out for revenge.

If a foreign enemy could inflict comas and convulsions among thousands of our kids, we would not sit back and pretend that nothing was happening.

If terrorists struck the United States with chemical weapons that caused permanent brain damage, we would hunt them down and strike back, so that it would never happen again.

All of us have spoken out against Saddam Hussein. Today, I rise to speak out against a silent enemy that threatens 3 million American children.

Mr. President, I rise to introduce the Lead Exposure Reduction Act of 1991. This legislation is needed to save our children. Without it, we will suffer tremendously in academic performance and economic productivity.

Before I describe what this bill would do, I would like to read you a list of common products that contain significant amounts of lead: Food, toys, pesticides, plumbing fittings, and fixtures, packaging, wine bottles, solder, curtain weights, ceramic ware, batteries, paint, and gasoline.

But that is not all. Not only is lead contained in all these products, it is found in many others as well. The deadly list goes on and on. And, even more disturbing, no one seems to know all the products in which lead is found, including the lead industry. What is more, the lead industry is continuing to develop new uses for lead, including using lead as a shield in homes against radon and in asphalt paving materials.

A 1988 report to Congress by the Agency for Toxic Substances and Disease Registry [ATSDR] summarizes the lead problem in the U.S. very simply: "Lead is potentially toxic wherever it is found, and it is found everywhere." More lead is used now than was used a decade ago. Nevertheless, there are some who dispute the fact that lead is still a problem by pointing out that this substance is no longer added to paint and is being phased out of gasoline.

The people who allege that lead is no longer a health threat are whistling in the graveyard. They are happily ignoring a major epidemic that threatens everyone in this country—but children most of all.

Experts generally agree that children under the age of 7 are the most likely victims of lead poisoning. According to ATSDR's comprehensive 1988 report, some 3 to 4 million American children have levels of lead in their blood that my adversely affect their health.

Adverse health effects on children include permanent, significant neurological impairment. In plain English, that is brain damage and lifelong nervous disorders. That means lower IQ levels and behavioral problems for many of our children. In fact, a recent follow-up study reported that children who as first-graders in 1979 were found to have high lead levels showed poorer classroom performance and higher absentee rates than their peers a decade later as high schoolers.

Physical effects of lead on children can include hearing impairment, colic, anemia, coma, convulsions, and even death at high levels of exposure. A re-

port issued last year by the Congressional Office of Technology Assessment states:

Despite lead reduction in a number of areas, lead poisoning remains a major public health problem, particularly among children, who are both more sensitive to lead's neurotoxic effects and more likely to be exposed to certain sources, such as paint chips from older houses, school water coolers containing lead-lined tanks, and home water supplies contaminated with lead from old piping.* * *

Leading experts agree that lead poses a very serious public health threat. Dr. Herbert Needleman, principal author of several groundbreaking studies on this issue, has called childhood lead poisoning "the most serious pediatric problem in the United States today." Dr. Vernon Houk, the Assistant Surgeon General, has termed it the "most common" and the "most societally devastating" environmental disease of young children. Dr. Houk has stated, "I can't think of anything more devastating than a population of children with no superior intelligence and no geniuses * * *." Another expert witness who appeared before my Toxic Substances Subcommittee last year graphically noted that "what lead destroys is what Walt Disney once described as the most valuable natural resource of this country: the minds of our children." A headline on a commentary in the Washington Post summed up the childhood lead poisoning situation succinctly: "A National Recipe for Stupidity."

If these effects on children are not enough to disturb you, you may want to think about the second reason to be concerned about lead: Its potential effects on you and other adults in this country. For adults, a major source of exposure is the workplace. There are some 113 occupations in which workers may be exposed to lead.

For other adults and older children, food and water are most likely to be the major source of exposure to lead. Lead in food may come from food items taken from contaminated water or soil, lead-soldered food cans, lead deposited on crops from vehicle exhaust or industrial activity, contamination during food processing, lead glazes in dishes and pottery, or from food colorings like carmel and many others. Lead in water can come from the water source itself or through leaching from lead pipes, lead solder, or from brass or bronze fittings.

In addition to the adverse effects of lead exposure that children face, adults are vulnerable to other consequences. For example, lead has been classified as a probable human carcinogen by EPA. Other potential adverse effects include impaired reproductive capabilities and hypertension, elevated blood pressure. Several studies in recent years have shown a statistically significant association between blood lead levels and blood pressures in male adults. Not only is high blood pressure itself a concern, it has been shown in other studies to be related to an increased risk of heart attack and stroke.

Senior adults may be at particular risk, as lead stored in older persons' bones may be mobilized during osteoporosis or as part of the normal aging process. As one witness before my subcommittee last year stated, "[W]e may indeed have senior citizen populations who are going to receive their lifetime exposure of lead coming back to them a second time."

And if children and adults are not enough reason to be concerned about lead, maybe you will be moved by a third reason: Our pets. Last year's news accounts revealing the lead poisoning of President Bush's dog Millie shows that even the Primary Pooch can be a victim of lead poisoning. If the White House is not safe, what about your house? Often, the illness of a dog or other pet is the first warning sign that you and your children are in danger.

My bill attacks the lead problem in four major ways:

First, it restricts lead in products most likely to cause additional contamination, such as paint, pesticides, plumbing fittings and fixtures, toys, gasoline, and food cans.

Second, it requires the compilation and updating of an inventory of products currently containing lead, with submittal of this information by EPA to Congress along with recommendations for minimizing lead releases and preventing human exposure to lead.

Third, it mandates the recycling of lead-acid batteries, which contain over three-fourths of all lead used in this country.

Fourth, it calls for various long-term health studies and reports, public education programs, and development of abatement techniques.

It is equally important to note what this bill does not do:

It does not ban the overall use of lead.

It does not restrict the use of lead-acid batteries in automobiles.

It does not require lead smelters to shut down.

It does not ban, or restrict in any way, the use of lead in ammunition or fishing weights.

It does not establish standards different from those in the Toxic Substances Control Act for future regulation by EPA of existing and future uses of lead.

The bill that I and a number of cosponsors are introducing today is identical, except for one minor modification necessitated by passage of the Clean Air Act amendments last year to S. 2637, a bill reported by the Senate Environment and Public Works Committee last October with only one dissenting vote. That bill was the product of two hearings held by my Toxic Substances Subcommittee, at which testimony was received from over 40 witnesses from Federal, State, and local government, academia, the medical community, environmental groups, and lead producer and user groups. In response to this testimony and other comments by affected parties, extensive modifications were made to the bill at both the subcommittee and committee levels.

There are some who believe that too many concessions were made at that time. To address those concerns, it is my intent to undertake a review of the Toxic Substances Control Act during the 102d Congress. During this review it will be possible to revisit the issue of what should be the appropriate standards for regulation of existing and particularly new uses of lead, and other toxic substances, an issue that was a major focus of last year's debate concerning the lead bill.

I would also like to note that there has been a press report about a major initiative by the administration to address the lead poisoning problem. Under the headline, "U.S. Opens a Drive to Wipe Out Lead Poisoning Among Children," the December 20, 1990, New York Times reported that three Federal agencies—the Environmental Protection Agency, the Department of Housing and Urban Development, and the Department of Health and Human Services—are developing plans "aimed at cutting in half the hazardous levels of lead in children's blood" and at "eliminating lead paint in all the nation's homes over the next decade."

My Toxic Substances Subcommittee will hold a hearing on February 21, to ascertain what specific actions the administration plans to take to address the lead poisoning problem and, most importantly, when these actions will take place and how much funding the administration will seek for this effort. I have invited the heads of these three agencies to testify. EPA Administrator William Reilly has already confirmed his appearance. I look forward to the testimony of the other two Department Secretaries, so that we can have a candid discussion on the lead poisoning problem and the administration's plans to combat it. I am pleased that the administration's budget for fiscal year 1992 includes higher funding levels to fight lead poisoning. But that alone will not save the 3 million children in this country who are at risk. We need this legislation to save our kids from this silent, deadly terror.

Mr. President, over the years many historians have analyzed the rise and fall of the Roman Empire. Many have written that Rome was not defeated on the battlefield or in some faraway military encounter. These historians attribute the fall of Rome to internal problems. They cite crises and trage-

dies at home that were ignored, unacknowledged, and forever unsolved. Chief among these tragedies was lead poisoning, which may have caused lower birth rates, brain damage, and behavior disorders among many Romans.

It is time to learn from the lessons of history before it is too late. I don't want to see America win the war overseas, only to lose the peace here at home by recklessly endangering the lives of 3 million American children. The actions mandated by my bill are a modest beginning. I urge the support of my colleagues for this legislation.

I ask unanimous consent that the text of the bill and a summary of its provisions be printed in the RECORD at this point.

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

S. 391

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 "Lead Exposure Reduction Act of 1991".

SEC. 2. AMENDMENT OF THE TOXIC SUBSTANCES CONTROL ACT.

(a) AMENDMENT OF THE TOXIC SUBSTANCES CONTROL ACT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding after title III the following new title:

"TITLE IV—LEAD EXPOSURE REDUCTION

"SEC. 401. FINDINGS AND POLICY.

"(a) FINDINGS.—The Congress finds that—

"(1) lead poisoning is the most prevalent disease of environmental origin among American children today, and children under seven years of age are at special risk because of their susceptibility to the potency of lead as a neurologic toxin;

"(2) the effects of lead on children may include permanent, significant neurologic and physiologic impairment, and additional health effects occur in adults exposed to similar exposure levels;

"(3) because of the practical difficulties of removing lead already dispersed into the environment, children and adults will continue to be exposed to such lead for years;

"(4) as a result of decades of highly dispersive uses of lead in a variety of products, contamination of the environment with unacceptable levels of lead is widespread;

"(5) the continued manufacture, import, processing, use, and disposal of lead-containing products may cause further releases of lead to the environment, and such releases contribute to further environmental contamination and resultant exposure to lead; and

"(6) methods to reduce existing lead exposure levels must be improved, especially through the development of more effective and affordable methods for abating lead-based paint, which continues to be a major cause of childhood lead poisoning.

"(b) POLICY.—It is the policy of the United States that further releases of lead to the environment should be minimized, and means should be developed and implemented to reduce exposures to sources of environmentally dispersed lead.

"SEC. 402. RESTRICTIONS ON CONTINUING USES OF CERTAIN LEAD-CONTAINING PRODUCTS.

"(a) GENERAL RESTRICTIONS.—Except as provided under subsection (b) of this section, beginning on the date that is one year after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may import, manufacture or process any of the following product categories, and beginning on the date that is two years after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may distribute in commerce, any of the following product categories:

"(1) Paint containing more than 0.06 percent lead by dry weight.

"(2) Plumbing fittings and fixtures containing more than 2 percent lead by dry weight.

"(3) Pesticides (as defined in section 2(u) of the Federal Insecticide, Rodenticide, and Fungicide Act (7 U.S.C. 136(u)) containing more than 0.1 percent lead by dry weight.

"(4) Toys and recreational game pieces containing more than 0.1 percent lead by dry weight.

"(5) Curtain weights containing more than 0.1 percent lead by dry weight.

"(b) MODIFICATION OF RESTRICTIONS.—(1) The Administrator may, after public notice and opportunity for comment, promulgate regulations to modify, pursuant to paragraphs (2) and (3) of this subsection, the percentage of the allowable lead content for a product category described in paragraphs (1) through (5) of subsection (a).

"(2) The Administrator may, pursuant to paragraph (1), establish by regulation a percentage of the allowable lead content that is less than the percentage specified under subsection (a) (including nondetectable levels) for any product category described in paragraphs (1) through (5) of such subsection if the Administrator determines that a reduction in the percentage of allowable lead content is necessary to protect human health or the environment.

"(3)(A) The Administrator may, pursuant to paragraph (1), establish by regulation a percentage by dry weight of the allowable lead content for a product category described in paragraphs (1) through (5) of subsection (a) that is greater than the percentage specified for the product category under such subsection if the Administrator determines that increasing the percentage of the allowable lead content for the product category will promote the protection of human health or the environment.

"(B) If the Administrator establishes by regulation an increased percentage of the allowable lead content for a product category pursuant to this paragraph, the regulation establishing such percentage shall terminate on the date that is six years after the date such regulation becomes final.

"(C) Not later than one hundred and eighty days prior to the termination of a regulation promulgated under this paragraph, the Administrator shall review the regulation. If, on or after the termination date of such regulation, the Administrator determines pursuant to subparagraph (A), that the promulgation of a regulation is appropriate, the Administrator may promulgate a regulation which shall terminate on the date that is six years after the date such regulation becomes final.

"(4) The Administrator may by regulation extend the dates for compliance with the requirements of subsection (a)(2) by one year and establish a performance standard for lead leaching from plumbing fittings and fixtures in lieu of the restriction under such subsection if the Administrator determines that such performance standard is at least as protective of human health and the environment as such restriction.

"(5) The Administrator shall promulgate regulations within twelve months of enactment of the Lead Exposure Reduction Act of 1990 to waive the requirements of subsection (a)(4) with respect to certain toys and recreational game pieces that are collectible items and scale models intended for adult acquisition.

"(c) STATEMENTS BY ADMINISTRATOR RELATING TO MODIFICATIONS OF RESTRICTIONS.—In promulgating any regulation under subsection (b) of this section with respect to the allowable lead content under a product category, the Administrator shall, prior to the promulgation of a final regulation, consider and publish a statement that describes the effects of the proposed allowable lead content level for the product category on human health and the environment.

"(d) Not later than twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall promulgate regulations banning the sale of lead solder to plumbers and plumbing supply wholesalers and retailers.

"(e) PACKAGING.—

"(1) As used in this subsection, the term—

"(A) 'package' means a container providing a means of marketing, protecting, or handling a product, and includes a unit package, an intermediate package, crates, pails, rigid foil, unsealed receptacles such as carrying cases, cups, and such other trays, wrappers and wrapping films, bags, tubs, and shipping or other containers, as the Administrator by regulation, may define (except that such term shall not include ceramic ware or a casing of a lead-acid battery, as defined in section 405(o)(1));

"(B) 'distributor' means any individual, firm, corporation, or other entity which takes title to goods purchased for resale; and

"(C) 'packaging component' means any individual assembled part of a package such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

"(2) For the purposes of this section, tinplated steel that meets the American Society for Testing and Materials (ASTM) Specification A-623 shall be deemed an individual packaging component.

"(3) Beginning on the date that is twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990—

"(A) no package or packaging component which may be used for food for human consumption (or intended for such use) shall be offered for sale or for promotional purposes by a manufacturer or distributor, which includes, in the package, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead;

"(B) no food for human consumption (or intended for such use) shall be offered for sale or for promotional purposes by its manufacturer or distributor in a package which includes, in the package itself or in any of its packaging components, inks, dyes, pigments, adhesives, stabilizers, or other additive to which any lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead; and

"(C) notwithstanding subparagraphs (A) and (B) of this paragraph, the aggregate of the concentration levels, from any inciden-

tal presence of lead present in any package or packaging component which may be used for food for human consumption (or intended for such use) shall not exceed—

"(i) for the third twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 600 parts per million by weight (0.06 percent);

"(ii) for the fourth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 250 parts per million by weight (0.025 percent); and

"(iii) for the fifth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, and for each twelve-month period thereafter, 100 parts per million by weight (0.01 percent); and

"(D) no package or packaging component which may be used for food for human consumption (or intended for such use) shall be offered for sale for promotional purposes by a manufacturer or distributor, and no food for human consumption (or intended for such use) shall be offered for sale or for promotional purposes by a manufacturer or distributor in a package, if such package or packaging component exceeds the level provided under subparagraph (C) of this paragraph.

"(4) Beginning on the date that is forty-eight months after the date of the enactment of the Lead Exposure Reduction Act of 1990—

"(A) no package or packaging component shall be offered for sale or for promotional purposes by a manufacturer or distributor, which includes, in the package, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers, or other additive to which lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead;

"(B) no product shall be offered for sale or for promotional purposes by its manufacturer or distributor in a package which includes, in the package itself or in any of its packaging components, inks, dyes, pigments, adhesives, stabilizers, or other additive to which any lead has been intentionally introduced as an element during manufacturing or distribution as opposed to the incidental presence of lead; and

"(C) notwithstanding subparagraphs (A) and (B) of this paragraph, the aggregate of the concentration levels, from any incidental presence of lead present in any package or packaging component shall not exceed—

"(i) for the fifth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 600 parts per million by weight (0.06 percent);

"(ii) for the sixth twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, 250 parts per million by weight (0.025 percent); and

"(iii) for the seventh twelve-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, and for each twelve-month period thereafter, 100 parts per million by weight (0.01 percent); and

"(D) no package or packaging component shall be offered for sale or for promotional purposes by a manufacturer or distributor, and no product shall be offered for sale for promotional purposes by a manufacturer or distributor in a package, if such package or packaging component exceeds the level provided under subparagraph (C) of this paragraph.

"(5) Prior to the expiration of the sixty-month period following the date of the enactment of the Lead Exposure Reduction Act of 1990, upon receipt of an application (in such form and containing such information as the Administrator may prescribe by regulation) the Administrator may exempt from the requirements of paragraphs (3) or (4)—

"(A) a package or packaging component manufactured prior to the date of the enactment of the Lead Exposure Reduction Act of 1990 that displays a code prescribed by the Administrator that indicates that such package or component was manufactured prior to such date; and

"(B) a package or packaging component to which lead has been added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of Federal law or the law of any State or political subdivision of a State.

"(6)(A) A certificate of compliance stating that a package or packaging component is in compliance with the requirements of the Lead Exposure Reduction Act of 1990 shall be retained by its manufacturer or distributor and made available to the purchaser or intended purchaser of the package or packaging component.

"(B) In any case in which compliance is achieved because of an exemption under paragraphs (3) or (4), such certificate shall state the specific basis upon which the exemption is claimed.

"(C) A certificate of compliance shall be signed by an authorized official of the manufacturer or distributor, as the case may be.

"(f) CANS FOR FOOD, FOILS.—(1) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may manufacture or import any can which may be used for food for human consumption (or intended for such use) containing solder that has a lead content greater than 0.2 percent by dry weight.

"(2) Beginning on the date that is twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may distribute in commerce any can containing food for human consumption (or intended for such use) containing solder that has a lead content greater than 0.2 percent by dry weight.

"(3) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may import, manufacture, process, or distribute in commerce foils for wine bottles containing more than 0.1 percent lead by dry weight.

"(4) If the Secretary of the Department of Health and Human Services (hereinafter in this subsection referred to as the 'Secretary') finds that—

"(A) a person who imports, manufactures, processes, or distributes in commerce foils for wine bottles has, upon the expiration of the eighteen-month period following the date of the enactment of the Lead Exposure Reduction Act, a large volume of foils for wine bottles which do not comply with the requirements of paragraph (3);

"(B) such volume was purchased prior to the expiration of such eighteen-month period in the normal course of the manufacturer's business; and

"(C) compliance with the requirements of paragraph (3) would cause undue economic hardship on such person,

the Secretary may delay the application of paragraph (3) with respect to such person for a reasonable period of time.

"(5) The Secretary under the authority granted to the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) shall promulgate such regulations as may be necessary to carry out the purposes of this subsection.

"(g) SALE OF GASOLINE.—(1) Notwithstanding any other provision of law, beginning on the date that is six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person may sell or offer for sale gasoline that contains any lead additives for a price that is less than the lowest price at which unleaded gasoline is offered for sale at the same establishment.

"(2) Beginning on the date that is six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall, by regulation, prohibit the selling or offering for sale, in a metropolitan statistical area or consolidated metropolitan statistical area (as defined by the United States Office of Management and Budget) with a 1980 population of two hundred fifty thousand persons or more, for use as a fuel in any motor vehicle, other than farm vehicles, any gasoline which contains lead or a lead additive.

"(3)(A) Effective January 1, 1996, any person who manufactures or imports any fuel that contains lead or a lead additive (including fuel for use in a farm vehicle or engine, nonroad vehicle or engine, competition vehicle or engine, marine vehicle or engine, or aviation vehicle or engine) shall submit quarterly reports to the Administrator on the lead content and volume of such fuel that is manufactured or imported (by type of fuel, where such information is reasonably available).

"(B) No later than January 1, 1995, the Administrator shall promulgate such regulations as he determines are necessary to implement and enforce this requirement.

"(h) EXEMPTIONS.—(1) The Administrator shall, by regulation, exempt from the restrictions on the lead content of paint described in paragraph (1) of subsection (a) any paint used by an artist in a work of art.

"(2) The Administrator shall, by regulation, exempt from the restrictions on lead content under subsection (a) or (b) any product or product category used—

"(A) for medical purposes (as defined by the Administrator, in consultation with the Secretary of Health and Human Services);

"(B) in connection with the national security activities of the Department of Defense;

"(C) in the nuclear industry (as defined by the Administrator), including any product or product category used in connection with the national security programs of the Department of Energy; and

"(D) in the mining industry to determine the presence of noble metals in geological materials.

"(3) For the purposes of subsection (a) or (b), the term 'processed' shall not include the recycling (for use as a raw material or for processing), the recovery, or the reuse of—

"(A) Metal.

"(B) Glass.

"(C) Plastic.

"(D) Paper.

"(E) Textile.

"SEC. 403. INVENTORY OF LEAD-CONTAINING PRODUCTS.

"(a) INVENTORY OF LEAD-CONTAINING PRODUCTS.—(1) Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, each person who manufactures, processes, or imports any product that contains more than 0.1 percent lead by dry weight shall notify the Administrator of such manufacture, processing, or importing. Such notification shall be in writing and shall specify the following inventory information:

"(A) the type of product manufactured, processed, or imported;

"(B) the quantity of such product manufactured, processed, or imported;

"(C) the amount and percentage of lead used in the manufacturing or processing of the product, or the amount and percentage of lead contained in the imported product; and

"(D) such other information as the Administrator determines, by order, is necessary to meet the purposes of this section.

"(2) The owner or operator of a recycling facility regulated by a State or by the Administrator shall not be subject to the notification requirements described in paragraph (1) with respect to such recycling facility.

"(3) Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall publish in the Federal Register notice of the requirements under paragraph (1) of this subsection and other related information that the Administrator determines to be appropriate.

"(4) The Administrator shall develop procedures to assure that the inventory is updated periodically and that each person who manufactures, processes, or imports a product that contains more than 0.1 percent lead by dry weight that is not subject to notification in the initial inventory is required to provide the notification required under paragraph (1) within six months of beginning the manufacture, processing, or importing of such lead containing product.

"(5) To the extent feasible, the Administrator shall utilize existing product classification codes such as the harmonized export-import codes compiled by the Department of Commerce.

"(6) The Administrator may by administrative order define the terms 'product' and 'product category'.

"(b) COMPILATION OF INVENTORY INFORMATION.—(1) Not later than twenty-four months after the date of enactment of the Lead Exposure Reduction Act of 1990, and every five years thereafter, the Administrator shall publish a compilation of the inventory information reported under paragraph (1) of subsection (a). In compiling such information the Administrator may, to the extent consistent with the purpose of this section, in lieu of listing a product individually, list a category of products in which such product is included.

"(2) Not later than thirty months after the date of enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall report to Congress a summary of inventory information and recommendations for minimizing the release of lead into the environment and preventing human exposure to lead.

"(c) CONFIDENTIALITY OF INVENTORY INFORMATION.—(1) A person who is required to submit written notification under subsection (a) may submit an application to the Administrator to claim information included in such written notification as confidential information, for the purposes of this section.

"(2) A person may claim the information described in paragraph (1) as confidential if such person—

"(A) meets the requirements of paragraph (3);

"(B) includes in the application submitted under paragraph (1)—

"(i) a detailed explanation of the reasons why such information meets the criteria for confidentiality described in subparagraphs (A) through (D) of paragraph (3);

"(ii) written designation of the information claimed as confidential, in such manner and in such form as the Administrator may prescribe by regulation;

"(iii) a copy of the written notification required under subsection (a) that contains all information claimed as confidential; and

"(iv) a copy of the written notification that excludes such information claimed as confidential.

"(3) The Administrator may approve an application for claiming information as confidential, as described in paragraph (1), if the Administrator determines that the application meets the requirements of this subsection and that—

"(A) the applicant has not disclosed the information to any person other than—

"(i) an officer or employee of the Federal Government or of a State government or the government of a political subdivision of a State;

"(ii) an employee of the applicant; or

"(iii) a person who has entered into an agreement with the applicant to ensure the confidentiality of the information; and

"(B) the applicant has taken reasonable measures to protect the confidentiality of the information, and demonstrates, to the satisfaction of the Administrator, the intent to continue to protect the confidentiality of the information;

"(C) public disclosure of the information is not required under any other Federal or State law;

"(D) no Federal or State law requires that the information shall be otherwise made available to the public;

"(E) disclosure of the information would likely cause substantial economic harm to the competitive position of such applicant or the information has been determined to constitute national security information under Federal law; and

"(F) the information is not readily discoverable through reverse engineering or the examination of data sources available to the public.

"(4) Unless the Administrator makes a determination that the requirements of paragraph (3) have been met, any information submitted to the Administrator in the application described in paragraph (1), and in response to any inquiry by the Administrator for the submittal of additional information, shall be made available to the public. If the Administrator makes a determination that the requirements of paragraph (3) have been met, the information shall be considered as confidential for purposes of this section, and section 14, except that the Administrator may disclose such information as provided in section 14(a).

"(5) Notwithstanding paragraph (4), upon a request by the Governor of a State, the Administrator shall provide to the State the application information described in paragraphs (1) and (2).

"(6) Notwithstanding any other provision of law, upon receipt of a request by a committee of Congress authorized by the Congress to receive such information, or the General Accounting Office, the Administrator shall make available to such committee, or the General Accounting Office, any information obtained under this subsection.

"(7) If the Administrator determines that—

"(A) an applicant has not made a sufficient showing that the information it sought to protect meets the criteria described in paragraph (3)(B); and

"(B) the claim of confidentiality in the application was frivolous,

the applicant may be deemed liable for a civil penalty described in section 16(a).

"(8)(A) Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of, or has access to, information that the Administrator has determined to be entitled to protection under this subsection who knowingly and willfully discloses the information in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000 or imprisoned for not more than one year, or both. Section 1905 of title 18, United States Code, does not apply with respect to the publishing, divulging, disclosure, making known of, or making available, information reported or otherwise obtained under this subsection.

"(B) For the purposes of subparagraph (A), any contractor with the United States who is furnished information as authorized by section 14(a)(2), and any employee of any such contractor, shall be considered to be an employee of the United States.

"(d) EXEMPTION FROM INVENTORY REQUIREMENTS FOR LEAD-ACID BATTERIES.—A person who manufactures, processes, or imports lead-acid batteries, as defined in section 405(o)(1), shall, with respect to providing notification regarding lead-acid batteries under subsection (a), be exempt from the notification requirements under such subsection.

"(e) DEFINITIONS.—For the purposes of this section, the terms 'manufacture' and 'process' mean manufacture or process for commercial purposes.

"SEC. 404. PRODUCT LABELING.

"(a) IN GENERAL.—Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall promulgate regulations that provide for the labeling of products (other than lead-acid batteries as defined in section 405(o)(1) and products regulated under the Federal Food, Drug and Cosmetic Act) that may pose a risk of human exposure to lead.

"(2) Not later than twelve months after the date of enactment of the Lead Exposure Reduction Act of 1990, the Commissioner of the Food and Drug Administration shall promulgate regulations that provide for the labeling of products regulated under the Federal Food, Drug, and Cosmetic Act that may pose a risk of human exposure to lead.

"(3) The regulations promulgated pursuant to paragraphs (1) and (2) shall take effect not later than twenty-four months after the date of enactment of the Lead Exposure Reduction Act of 1990.

"(b) CONTENT OF REGULATIONS.—The regulations described in subsection (a) shall specify the wording, type size, and placement of the labels described in such subsection.

"(c) LABELING OF CERTAIN TOYS AND RECREATIONAL GAME PIECES.—(1) The Administrator shall promulgate regulations requiring that the following labeling be included in the labeling of the packaging of all toys and recreational game pieces that are collectible items and scale models which are subject to the regulations promulgated under section 402(b)(5) and are manufactured on or after the effective date of the regulations promulgated under this subsection:

"COLLECTIBLE ITEM, CONTAINS LEAD, NOT SUITABLE FOR CHILDREN

"(2) Regulations promulgated pursuant to (1) shall specify the type size, and placement of the labels described.

"(3) Any regulation promulgated under paragraph (1) shall take effect on the date that is twelve months after the date of the promulgation of such regulation.

"SEC. 405. RECYCLING OF LEAD-ACID BATTERIES.

"(a) PROHIBITIONS.—(1) Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person shall place a lead-acid battery in any landfill and no person shall incinerate any such battery.

"(2) No person shall discard or otherwise dispose of a lead-acid battery in mixed municipal solid waste or discard or otherwise dispose of any such battery in a manner other than by recycling in accordance with this section.

"(b) GENERAL DISCARD OR DISPOSAL REQUIREMENTS.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person (except a person described in subsection (c), (d), or (e)) shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A person who sells lead-acid batteries at retail or wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(4) An automotive dismantler (as defined by the Administrator).

"(c) DISCARD OR DISPOSAL REQUIREMENTS FOR RETAILERS.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person who sells lead-acid batteries at retail shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A person who sells lead-acid batteries at wholesale.

"(2) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(3) A battery manufacturer.

"(4) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) An automotive dismantler (as defined by the Administrator).

"(d) DISCARD OR DISPOSAL REQUIREMENTS FOR WHOLESALERS.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person who sells lead-acid batteries at wholesale shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(2) A battery manufacturer.

"(3) A collection or recycling facility regulated by a State or subject to regulation by the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(e) DISCARD OR DISPOSAL REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no person who manufactures lead-acid batteries shall discard or otherwise dispose of used lead-acid batteries except by delivery to one of the following persons (or the authorized representative of such person):

"(1) A lead smelter regulated by a State or the Administrator under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or the Clean Air Act (42 U.S.C. 7401 et seq.).

"(2) A collection or recycling facility regulated by a State or subject to regulation by the Administrator.

"(f) COLLECTION REQUIREMENTS FOR RETAILERS.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who sells, or offers for sale, lead-acid batteries at retail shall accept from customers, used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold. The used lead-acid batteries shall be accepted at the place where lead-acid batteries are offered for sale.

"(g) COLLECTION REQUIREMENTS FOR WHOLESALERS.—(1) Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who sells, or offers for sale, lead-acid batteries at wholesale (hereinafter referred to as a 'wholesaler') shall accept from customers, used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(2) In the case of a wholesaler who sells, or offers for sale, lead-acid batteries to a retailer, such wholesaler shall also provide for removing used lead-acid batteries at the place of business of the retailer. Such removal shall occur not later than ninety days after the retailer notifies the wholesaler of the existence of such used lead-acid batteries for such removal unless there are less than five such batteries, in which case the wholesaler shall remove such batteries within one-hundred and eighty days.

"(h) COLLECTION REQUIREMENTS FOR MANUFACTURERS.—Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who manufactures lead-acid batteries shall accept from customers, used lead-acid batteries of the same type as the batteries sold and in a quantity approximately equal to the number of batteries sold.

"(i) WRITTEN NOTICE REQUIREMENTS FOR RETAILERS.—(1) Beginning on the date that is twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, a person who sells, or offers for sale, lead-acid batteries at retail shall post written notice that—

"(A) is clearly visible in a public area of the establishment in which such lead-acid batteries are sold or offered for sale;

"(B) is at least 8½ inches by 11 inches in size; and

"(C) contains the following language:

"(i) 'It is illegal to throw away a motor vehicle battery or other lead-acid battery.'.

"(ii) 'Recycle your used batteries.'.

"(iii) 'Federal law requires battery retailers to accept used lead-acid batteries for recycling when a battery is purchased.'.

"(iv) 'Federal law allows you to sell or give used batteries to an authorized battery collector, recycler, or processer, or to an automotive dismantler'.

"(2) Any person who, after receiving a written warning by the Administrator, fails to post a notice required under paragraph (1) shall, notwithstanding section 16, be subject to a civil penalty of not more than $1,000 per day.

"(j) LEAD-ACID BATTERY LABELING REQUIREMENTS.—(1) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, it shall be unlawful for any lead-acid battery manufacturer to sell, or offer for sale, any lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(2) Beginning on the date that is twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, it shall be unlawful to sell a lead-acid battery that does not bear a permanent label that contains the statements required under paragraph (3).

"(3) A label described in paragraph (1) or (2) shall be deemed consistent with the requirements of the Lead Exposure Reduction Act of 1990 if such label—

"(A) identifies that the lead-acid battery contains lead; and

"(B) contains the following statements:

"(i) 'Federal law requires recycling'.

"(ii) 'Seller must accept return'.

"(4) Nothing in this Act shall be interpreted as prohibiting the display on the label of a lead-acid battery a recycling symbol (as defined by the Administrator) or other information intended to encourage recycling.

"(k) PUBLICATION OF NOTICE.—Not later than six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall publish in the Federal Register notice of the requirements of this section and other related information that the Administrator determines to be appropriate.

"(l) STATE AND LOCAL LABELING LAWS.—(1) Beginning on the date that is eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, no State or political subdivision of a State shall enact or enforce requirements that do not include the following requirements under this section with respect to lead-acid battery recycling:

"(A) labeling requirements;

"(B) written notice requirements for retailers; and

"(C) collection requirements.

"(2) Nothing in paragraph (1) or in any other provision of the Lead Exposure Reduction Act of 1990 shall be construed so as to prohibit a government of a State or a political subdivision of a State from requiring the payment of a deposit upon the sale of a lead-acid battery.

"(m) WARNINGS AND CITATIONS.—The Administrator may issue warnings and citations to any person who fails to comply with any provision of this section.

"(n) EXPORT FOR PURPOSES OF RECYCLING.—Notwithstanding any other provision of this section, any person may export used lead-acid batteries for the purpose of recycling.

"(o) DEFINITIONS.—For the purposes of this section:

"(1) The term 'lead-acid battery' means a battery that—

"(A) consists of lead and sulfuric acid; and

"(B) is used as a power source.

"(2) The term 'secondary lead smelter' means a facility which produces metallic lead from various forms of lead scrap, including used lead-acid batteries. Such a facility also may produce plastic chips that are sent for reprocessing.

"SEC. 406. PROHIBITED ACTS.

"It shall be unlawful for any person to fail or refuse to comply with a provision of sections 402 through 405 or with any rule or order issued under such sections.

"SEC. 407. LEAD ABATEMENT AND MEASUREMENT.

"(a) PROGRAM TO PROMOTE LEAD EXPOSURE ABATEMENT.—The Administrator, in cooperation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Labor shall conduct a comprehensive program to promote safe, effective, and affordable monitoring, detection and abatement of lead-based paint and other lead exposure hazards.

"(b) STANDARDS FOR ENVIRONMENTAL SAMPLING LABORATORIES.—The Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), in consultation with the Secretary of Housing and Urban Development and the Administrator, shall establish protocols, criteria, and minimum performance standards for laboratory analysis of lead in paint films, soil and dust. Not more than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary of Commerce shall establish certification programs to assure the quality and consistency of laboratory analyses, unless the Secretary determines, by the date specified in this subsection, that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of such determination.

"(c) STANDARDS FOR BLOOD ANALYSIS LABORATORIES.—(1) The Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall establish protocols, criteria and minimum performance standards for laboratory analysis of lead in blood. Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary shall establish certification programs to assure the quality and consistency of laboratory analyses, unless the Secretary determines, by the date specified in this subsection, that effective voluntary accreditation programs are in place and operating on a nationwide basis at the time of such determination.

"(2) A quality control program under this subsection shall include an accreditation or certification program which shall include provisions for reporting results of blood-lead analyses to the Director of the Centers for Disease Control on an ongoing basis. Such reports shall be in such form as the Secretary shall require by regulation.

"(d) CONTRACTOR TRAINING AND CERTIFICATION.—(1) Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary of Labor in conjunction with the Administrator of the Environmental Protection Agency, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health), shall develop minimum core curricula for technical training courses for lead-based paint abatement workers, supervisors, designers, inspectors and building owners.

"(2) The courses described in paragraph (1) shall address generic factors associated with lead testing and abatement in various types of housing units, including public and private single- and multi-family, housing units (as determined by the Secretary of Labor, in consultation with the individuals described in paragraph (1)).

"(3) The Secretary of Labor may assure the quality, comprehensiveness, and effectiveness of the training courses described in paragraph (2) by evaluating training programs, and shall encourage State certification programs, or the development of national proficiency tests.

"(4) Not later than April 1, 1992, the Secretary of Labor in consultation with the individuals described in paragraph (1) shall jointly report to the Congress their assessment of abatement training capacity and the quality of ongoing abatement work.

"(e) DETECTION TECHNOLOGIES.—(1) The Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), in consultation with the Secretary of Housing and Urban Development and the Administrator, shall evaluate emerging products and emerging techniques for detecting lead in paint films and dust, including x-ray fluorescence devices, on-site chemical spot testers, and laboratory methods.

"(2) The Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), in consultation with the Secretary of Housing and Urban Development and the Administrator, shall develop criteria, standards, and testing protocols to assure reliable, accurate, and effective detection technologies.

"(f) EVALUATION OF ABATEMENT AND IN-PLACE MANAGEMENT TECHNIQUES TO REDUCE LEAD DUST LEVELS.—(1) Not later than thirty-six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator, in consultation with the Secretary of Housing and Urban Development, shall submit a report to the Congress concerning the short-term and long-term efficacy and effectiveness of various abatement and in-place management techniques in reducing lead dust levels. The assessment of such in-place management techniques shall be based on resultant and subsequent levels of lead dust.

"(2) The report described in paragraph (1) shall review the feasibility of State standards for post-abatement lead dust levels in effect immediately preceding the date of the issuance of such report.

"(g) EVALUATION OF EMERGING ABATEMENT TECHNOLOGIES.—(1) The Secretary of Commerce (hereafter in this subsection referred to as the 'Secretary'), acting through the Director of the National Institute of Standards and Technology, in consultation with the Secretary of Labor and the Secretary of Housing and Urban Development, shall establish a program for the evaluation of existing and new products and procedures for encapsulating or removing lead-based paint.

"(2) The products and procedures described in paragraph (1) shall be evaluated for safety, effectiveness, durability, and other relevant performance characteristics (as determined by the Secretary, in consultation with the Director of the National Institute of Standards and Technology) and based on written performance criteria and standards that the Secretary shall develop (in consultation with the Director of the National Institute of Standards and Technology).

"(3) Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary shall publish in the Federal Register a list of the products and procedures that the Secretary has determined to meet the performance standards and criteria developed by the Secretary.

"(4) The Secretary shall update and publish the list described in paragraph (3)—

"(A) on the date that is thirty months after the date of the enactment of the Lead Exposure Reduction Act of 1990;

"(B) on the date that is forty-two months after the date of the enactment of such Act; and

"(C) at any time subsequent to the date under subparagraph (B), as the Secretary determines to be appropriate.

"(h) CLASSIFICATION OF ABATEMENT WASTES.—(1) Not later than six months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall issue guidelines for the management of lead-based paint abatement debris. Such guidelines shall describe steps for segregating wastes from lead-based paint abatement projects in order to minimize the volume of material qualifying as hazardous solid waste.

"(2) Beginning on the date that is seven months after the date of the enactment of the Lead Exposure Reduction Act of 1990, if the requirements of paragraph (1) have not been met, no appropriated moneys may be expended by the Environmental Protection Agency for the purpose of funding travel for employees to engage in official business of the Environmental Protection Agency outside of the United States and the territories of the United States. The prohibition under this paragraph shall terminate on the date that the requirements of paragraph (1) are met.

"(i) EXPOSURE STUDIES.—(1) The Administrator, in consultation with the Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretary'), acting through the Director of the Centers for Disease Control, shall conduct a long-term research project to study the sources of lead exposure in children who have elevated blood lead levels (or other indicators of elevated lead body burden), as defined by the Administrator, in consultation with the Director of the Centers for Disease Control.

"(2) The Secretary of Labor and the Administrator, in consultation with the Director of the National Institute for Occupational Safety and Health, shall conduct a long-term research project to study the sources of lead exposure in construction workers.

"(3) The research projects described in paragraphs (1) and (2) shall examine the relative contributions to lead body burden from the following:

"(A) Drinking water.

"(B) Food.

"(C) Lead-based paint and dust from lead-based paint.

"(D) Exterior sources such as ambient air and lead in soil.

"(E) Occupational exposures, and other exposures that the Administrator determines to be appropriate.

"(4) The Administrator shall consult with the Secretary of Health and Human Services in conducting the research activities related to the contribution of lead from food to lead body burden.

"(5) Not later than eighteen months after the date of the enactment of the Lead Exposure Reduction Act of 1990, and every twelve months thereafter, the Administrator shall submit a report to the Congress concerning the research projects described in paragraphs (1) and (2).

"(j) PUBLIC EDUCATION.—(1) The Administrator of the Environmental Protection Agency in conjunction with the Secretary of Health and Human Services, acting through the Administrator of the Agency for Toxic Substances and Disease Registry, shall sponsor public education and outreach activities to increase public awareness of—

"(A) the scope and severity of lead poisoning from household sources;

"(B) potential exposure to sources of lead in schools and childhood day care centers (as determined pursuant to section 4 of the Lead Exposure Reduction Act of 1990); and

"(C) the need for careful, quality, abatement and management actions.

"(2) The activities described in paragraph (1) shall be designed to provide educational services and information to—

"(A) health professionals;

"(B) other groups that the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services determine to be appropriate; and

"(C) the general public.

"(k) SOIL LEAD GUIDELINES.—Not later than twenty-four months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall issue guidelines concerning the action levels for lead in soil.

"(l) COORDINATOR FOR LEAD ACTIVITIES.—Not later than thirty days after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Administrator shall appoint, from among the employees of the Environmental Protection Agency, a Coordinator for Lead Activities to coordinate the activities conducted by the Agency (or in conjunction with the Agency) relating to the prevention of lead poisoning, the reduction of lead exposure, and lead abatement.

"SEC. 408. ESTABLISHMENT OF NATIONAL CENTERS FOR THE PREVENTION OF LEAD POISONING.

"(a) ESTABLISHMENT AND RESPONSIBILITIES.—(1) There is established a grant program to establish one or more Centers for the Prevention of Lead Poisoning. (Each such Center is hereinafter referred to as a 'Center'.)

"(2) The Administrator shall award grants to one or more institutions of higher education in the United States for the purpose of establishing and funding a Center. Each such Center shall assist the Administrator in carrying out the functions of this title. Such functions shall include providing for the transfer of technology and serving as a source of information to the general public.

"(b) APPLICATIONS.—The Administrator shall solicit applications from any institution of higher education in the United States for the designation as a Center. The application shall be in such form and contain such information as the Administrator may require by regulation.

"(c) SELECTION CRITERIA.—The Administrator shall select grant recipients from the applicants in accordance with the following criteria:

"(1) The capability of the applicant institution to provide leadership in making national contributions to the prevention of lead poisoning.

"(2) The demonstrated capacity of applicant institution to conduct relevant research.

"(3) The appropriateness of the projects proposed to be carried out by the applicant institution.

"(4) The assurance of the applicant institution of a commitment of at least $100,000 in budgeted institutional funds to relevant research upon receipt of such grant.

"(5) The presence at the applicant institution of an interdisciplinary staff with demonstrated expertise in lead poisoning prevention.

"(6) The demonstrated ability of the applicant institution to disseminate results of relevant research and educational programs through an interdisciplinary continuing education program.

"(7) Any other criteria that the Administrator determines to be appropriate.

"(d) FEDERAL SHARE AND DURATION OF GRANT.—(1) The Federal share of a grant under this section shall not exceed 95 percent of the costs of establishing and operating a Center and related research activities carried out by the Center.

"(2) A grant under this section shall be for a period of time not to exceed two years.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 11 of the Toxic Substances Control Act (15 U.S.C. 2610) is amended—

(A) in the first sentence of subsection (a)—

(i) by striking "or mixtures" before "are manufactured" and inserting ", mixtures, or products subject to title IV"; and

(ii) by inserting "such products," before "or such articles"; and

(B) in paragraph (1) of subsection (b) by striking "or mixtures" and inserting ", mixtures, or products subject to title IV".

(2) Section 16 of the Toxic Substances Control Act (15 U.S.C. 2615) is amended by inserting "or 406" after "section 15" each place it appears.

(3)(a) Section 17(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2616) is amended to read as follows:

"(a) SPECIFIC ENFORCEMENT.—(1) The district courts of the United States shall have jurisdiction over civil actions to—

"(A) restrain any violation of section 15 or 406,

"(B) restrain any person from taking any action prohibited by section 5, 6, or 402, or by a rule or order under section 5, 6, or 402,

"(C) compel the taking of any action required by or under this Act, or

"(D) direct any manufacturer or processor of a chemical substance, mixture, or product subject to title IV manufactured or processed in violation of section 5, 6, or 402, or a rule or order under section 5, 6, or 402, and distributed in commerce, (i) to give notice of such fact to distributors in commerce of such substance, mixture, or product and, to the extent reasonably ascertainable, to other persons in possession of such substance, mixture, or product or exposed to such substance, mixture, or product, (ii) to give public notice of such risk of injury, and (iii) to either replace or repurchase such substance, mixture, or product, whichever the person to which the requirement is directed elects.".

(b) in the first sentence of subsection (b)—

(i) by striking "or mixture" after "Any chemical substance" and inserting ", mixture, or product subject to title IV"; and

(ii) by inserting "product," before "or article" in each place that it appears.

(4) Section 18(a)(1) of the Toxic Substances Control Act (15 U.S.C. 2617(a)(1)) is amended by striking the comma after "Except as provided in paragraph (2)" and inserting "and in section 405(1)".

(5) The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end of the table of contents in section 1 the following:

"TITLE IV—LEAD EXPOSURE REDUCTION

"Sec. 401. Findings and policy.
"Sec. 402. Restrictions on continuing uses of certain lead-containing products.
"Sec. 403. Inventory of lead-containing products.
"Sec. 404. Product labeling.
"Sec. 405. Recycling of lead-acid batteries.
"Sec. 406. Prohibited acts.
"Sec. 407. Lead abatement and measurement.
"Sec. 408. Establishment of national centers for the prevention of lead poisoning.".

SEC. 4. REPORTING OF BLOOD-LEAD LEVELS; BLOOD-LEAD LABORATORY REFERENCE PROJECT.

(a) REPORTING OF BLOOD-LEAD LEVELS.—(1) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Director of the Centers for Disease Control (hereafter in this section referred to as the "Director"), shall encourage State public health officials to report blood-lead measurements to the Director.

(2) Not later than eighteen months after the date of the enactment of this Act, the Secretary shall submit a report to the Congress that—

(A) describes the status of blood-lead reporting; and

(B) evaluates the feasibility and desirability of instituting a national requirement for mandatory preschool blood-lead screening.

(3) Not later than twenty-four months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Labor and the Administrator of the Environmental Protection Agency, shall submit a report to the Congress that assesses the effectiveness of the blood-lead reporting provisions under regulations establishing the accreditation and certification programs for blood analysis laboratories described in section 407(c) of the Toxic Substances Control Act, as added by this Act.

(b) ESTABLISHMENT OF BLOOD-LEAD LABORATORY REFERENCE PROJECT.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 258b et seq.), is amended by adding at the end thereof the following new section:

"SEC. 424. BLOOD-LEAD LABORATORY REFERENCE PROJECT.

"The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control, shall establish a blood-lead laboratory reference project to assist States and local governments to establish, maintain, improve, and assure the quality of laboratory measurements performed for childhood lead poisoning prevention programs. Such project shall include—

"(1) collaboration with manufacturers of analytical instruments to develop blood-lead measurement devices that are accurate, portable, precise, rugged, reliable, safe, and of reasonable cost;

"(2) the development of improved techniques for safe, contamination-free blood sample collection; and

"(3) assistance to State and local laboratories in the form of reference materials, equipment, supplies, training, consultation, and technology development for quality assurance, capacity expansion, and technology transfer.".

SEC. 5. UPDATE OF 1988 REPORT TO CONGRESS ON CHILDHOOD LEAD POISONING.

(a) IN GENERAL.—Not later than twenty-four months after the date of the enactment of this Act, and every twenty-four month intervals and as necessary thereafter, the Administrator of the Agency for Toxic Substances and Disease Registry shall submit to Congress a report updating the report submitted pursuant to subsection (f)(1) of section 118 of the Superfund Amendments and Reauthorization Act of 1986. Such updated report shall include, at a minimum, revised estimates of the prevalence of elevated lead levels among children and adults in the pop-

ulation of the United States, and estimates of the prevalence of adverse health outcomes associated with lead exposure. The initial report under this section shall include an assessment of the potential contribution to elevated blood lead levels in children from exposure to sources of lead in schools and day care centers.

(b) FUNDING.—The costs of preparing and submitting such updates shall be borne by the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986.

SEC. 6. CONFORMING AMENDMENTS.

(a) AMENDMENT TO THE FAIR PACKAGING AND LABELING ACT.—Section 11 of the Fair Packaging and Labeling Act (15 U.S.C. 1460) is amended—

(1) by striking "or" at the end of subsection (b);

(2) by striking the period at the end of subsection (c) and inserting "; or"; and

(3) by adding at the end of the section the following new subsection:

"(d) the Lead Exposure Reduction Act of 1990".

(b) AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—(1) Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following new subsections:

"(f) If it is packaged in a can or other container that contains solder or other component or ingredient with a lead content greater than 0.2 percent by dry weight.

"(g) If it is ceramic ware and the ability of such ceramic ware to leach lead does not conform with the standards for ceramic ware established by the Secretary".

(2) Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"CERAMIC WARE

"SEC. 413. (1) Not later than twelve months after the date of the enactment of the Lead Exposure Reduction Act of 1990, the Secretary of Health and Human Services shall promulgate regulations to establish such standards and testing procedures with respect to lead in ceramic ware as the Secretary determines to be necessary to protect public health.

"(2) For the purposes of this section and section 402(e), ceramic ware shall be deemed to be food.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of this Act—

(1) $25,000,000 for fiscal year 1991;

(2) $24,000,000 for fiscal year 1992;

(3) $24,000,000 for fiscal year 1993; and

(4) $22,000,000 for fiscal year 1994.

SUPPORT FOR THE 1991 LEAD BILL

"The American Academy of Pediatrics applauds Senator REID and his congressional cosponsors for their efforts to curb lead poisoning, the most serious environmental cause of neurological damage to children in the U.S."—American Academy of Pediatrics, February 7, 1991.

"I am pleased to confirm the Battery Council International's general endorsement of the lead battery recycling provision of that bill. . . . We strongly support its substance, and most of its detail. . . . BCI commends you for your leadership in encouraging a uniform, workable national program for lead-acid battery recycling."—Battery Council International, February 7, 1991.

"We strongly commend your leadership on lead poisoning issues, and we support the legislation. . . . [T]he bill as reintroduced takes important steps in helping to reduce the unacceptable prevalence of lead poisoning in our Nation today. . . . [T]his bill helps ensure that continued uses of lead in commerce do not further exacerbate our society's severe lead-contamination problem."—Environmental Defense Fund, February 5, 1991.

"We strongly support the thrust of this bill and are most encouraged by reports that your subcommittee will be giving it early consideration. . . . It is clear that executive agencies are not meeting their responsibilities in protecting children from lead already so widely dispersed in the environment and from new inappropriate, dispersive uses. We applaud the leadership that you have taken in assuring that Federal agencies meet their responsibilities on this vitally important issue."—Alliance to End Childhood Lead Poisoning, February 2, 1991.

HOUSEHOLD ITEMS THAT CONTAIN LEAD

Food Packaging. Plastic bread wrappers and other food packaging use lead for their bright colors. In 1989, 6.3 million pounds of lead was used to manufacture orange and yellow pigment alone. When turned inside-out for food storage, lead rubs off onto sandwiches and other food stored in the bag.

Wine Bottles. The foil used to cap many wine bottles is made of lead.

Ceramic Ware. Pottery used for food storage and consumption is often lead-glazed. This use of lead is especially dangerous if the pottery is not fired properly.

Food Cans. Many food cans have a lead seam which leaches the lead into the contents. The longer the food is stored, the more it is contaminated by lead. The contaminated products usually are imported cans of food, most often available at specialty food stores.

Lead Crystal. Glasses and decanters made of lead crystal allow the metal to leach into the drinkable liquids contained in the vessel. Alcohol that sits for a prolonged period of time can especially absorb high levels of lead.

Plumbing Fittings and Fixtures. Lead plumbing fixtures contaminate drinking water in houses, schools and place of work.

Curtain Weights. Curtain weights are often easily reached by children. Youngsters have been known to chew and swallow the lead products.

Mr. LIEBERMAN. Mr. President, the more we learn about lead, the more we understand how dangerous it is for kids, and how important it is that we remove it from the environment. It's turning up in the air and on the ground, in water pipes and on our household walls, in children's toys, in urban gardens, in ceramic ware and crystal decanters, even in some kinds of baby bottles.

Three million American children are at risk of lead poisoning. Three million kids facing the awful potential of lowered IQ, behavior disorders, and in extreme cases, even brain damage or death. If lead poisoning were not so invisible; if it looked like chicken pox, or the measles, on the faces of our children, mothers and fathers would be demonstrating in the streets to demand that the government do something to cure it.

More action at the Federal level is urgently needed. With this legislation, we are determined to get the lead out of the bodies of our children, to free their minds from its poisonous effects, and to give them hope for a healthier, happier future.

Lead poisoning is the single most prevalent—and preventable—environmental disease among American children. Lead is waging a war against the minds of our kids, and we're losing the war because we're not putting up much of a defense. It's time to fight back, by banning lead in paint, in plumbing fixtures, in cans and other food packages, and in toys. It's time to fight back by finding out how many kids have lead poisoning, how they got it, and how we can best remove it from their world.

That's what our bill will enable us to do, and I am proud to have played a part in creating it. I believe its passage will do much to alleviate the proliferation of lead in the environment. As a measure of our concern about the seriousness of lead poisoning, this bill makes the illegal use of lead in commercial products a criminal offense, punishable by stiff fines and jail terms. That sends a very important message about the danger of lead, a message that is long overdue.

I look forward to working with Senators REID, BRADLEY, JEFFORDS and our other cosponsors to get this bill passed soon.

Mr. JEFFORDS. Mr. President, I commend Senator REID for bringing this issue to the forefront. Too many of our children and families are at risk from the effects of lead poisoning. It's time we addressed a problem that mankind has known about for literally well over a thousand years.

Across America, children are being exposed to lead from paint, from drinking water, from contaminated soil, and even from lead brought home from their parent's workplace. In the recent past, we've discovered large areas of our country to be contaminated with lead from past manufacturing operations. Texas, Alabama, Idaho, and Missouri, for example, have each had to deal with large areas of lead contamination. This bill will set nationwide standards to help States set remediation goals.

Children have also been exposed to lead in their own homes. Lead-based paint is one exposure route affecting many, many children every year. While we've talked about solving the problem for many years, it's time we did something. Inner-city children have enough obstacles to overcome without adding their homes to the list.

Contamination of their parents' clothing is another source of home lead contamination. Parents at lead manufacturing facilities in North Carolina, Tennessee, and my home State of Vermont have inadvertently carried lead home on their clothes. As a result, some homes in North Carolina were found to contain over 84,000 parts per million of lead. By comparison, soil is considered a health risk at lead concentrations above 500 to 1,000 parts per million. In Tennessee, 38 percent of the battery plant workers' children were found to have elevated lead concentrations in their blood. In Vermont, 55 percent of the battery plant workers' children had elevated blood lead levels. High blood lead levels can cause brain damage, lower IQ scores, convulsions, and even death.

The exposure studies required by this bill will help us get a handle on the number of children exposed to lead. Again, I commend Senator REID for his efforts and urge my colleagues to support this bill.

Thank you, Mr. President.

By Mr. LEVIN (for himself, Mr. PRYOR, and Mr. COHEN):

S. 392. A bill to amend chapter 23 of title 5, United States Code, to extend certain protection of the Whistleblower Protection Act of 1989 to personnel of Government corporations; to the Committee on Governmental Affairs.

PROTECTION FOR WHISTLEBLOWERS IN FEDERAL CORPORATIONS

• Mr. LEVIN. Mr. President, we all know that whistleblowers serve as an important check on fraud and waste in our Government programs by identifying potential problems and abuses at an early stage. All too frequently, however, whistleblowers have been punished, rather than rewarded, for their efforts to save the taxpayers' money.

Two years ago, the Congress overwhelmingly enacted the Whistleblower Protection Act of 1989, providing important new protection to Federal employees who uncover fraud and waste. This landmark legislation struck a blow for good government by encouraging and protecting Federal employees who step forward, at the risk of their jobs, to expose waste, fraud, or gross mismanagement in their agencies.

Unfortunately, some categories of employees—those who work for entities which are not agencies of the Federal Government but which are directly related to the Federal Government—are not covered by the Whistleblower Protection Act. This is because the Whistleblower Protection Act is codified as a part of the civil service laws, and those laws specifically exempt employees of federally-owned corporations from their coverage.

Although such employees are commonly viewed as Federal employees, they are not covered by the requirements and protections of the civil service laws and that means they are not subject to the benefits of the Whistleblower Protection Act.

The bill I am pleased to introduce today, with my colleagues Senator PRYOR and Senator COHEN, would close this loophole by eliminating the exemption for purposes of the Whistleblower Protection Act.

Mr. President, there are important reasons for exempting Government corporations from some of the laws governing other Federal agencies. In some cases, we may want to encourage the use of innovative management techniques. In other cases, we may want Government corporations to run like private businesses, so we choose to give them latitude in the management of their personnel. However, this does not mean that we intend to allow employees in these corporations who blow the whistle on fraud, waste, or mismanagement to be without protection from, or a remedy for, retaliation, since significant amounts of taxpayer dollars are at stake. These Federal corporations include the Federal Deposit Insurance Corporation [FDIC], the Resolution Trust Corporation [RTC], the Pension Benefit Guarantee Corporation, the Federal Home Loan Mortgage Corporation, the Neighborhood Reinvestment Corporation, and the Pennsylvania Avenue Development Corporation.

Each of these corporations exercises significant Federal regulatory or management responsibilities. For example, FDIC examiners are responsible for safeguarding federally-insured banks and savings and loan institutions against unsafe and unsound practices. Similarly, RTC employees are responsible for managing failed thrift institutions and recovering their assets. We rely upon the employees of these two corporations to safeguard our financial institutions and our insurance funds. If these employees are subject to retaliation for their disclosures, the entire Federal regulatory structure for banks and S&L's could be undermined.

This is not just a hypothetical situation. Last Fall, the House Task Force on Urgent Fiscal Issues held hearings on the harassment of the employees of two predecessor organizations to the FDIC and the RTC—the Federal Savings and Loan Insurance Corporation [FSLIC] and the Federal Home Loan Bank Board [FHLBB]. These individuals tried to report on savings and loan fraud and were harassed for their disclosures. The FSLIC, like the FDIC, is a Federal corporation which is not covered by the Whistleblower Protection Act. The FHLBB, as an independent agency of the Federal Government, took the erroneous position that it, too, was exempt from the act.

Mr. President, all Federal whistleblowers—regardless whether they are employed by an executive department, an independent agency, a Federal corporation, or any other Federal establishment—however designated—should be protected from retaliation when they expose waste and mismanagement. The bill that I am introducing today with Senators PRYOR and COHEN will do just that. I hope that my colleagues will join me in supporting this important measure.•

• Mr. PRYOR. Mr. President, I am pleased to be an original cosponsor of Senator LEVIN's bill to extend whistleblower protection to the employees of Government corporations.

In 1987, I chaired two hearings on the Whistleblower Protection Act. Senator LEVIN was the driving force behind that legislation, which created much needed protections for Government whistleblowers. I have heard from Government whistleblowers who tell me that while some Government managers unfortunately continue to retaliate against employees who blow the whistle on fraud, waste, and abuse, the Whistleblower Protection Act has made significant improvements in the employee's ability to protect himself.

Last year, I held a hearing on procurement at the Resolution Trust Corporation, a Government corporation that we have become all too familiar with as the RTC tries to clean up the savings and loan mess. After that hearing, I heard reports that RTC employees wanted to talk about problems at the agency but were afraid of retaliation. Senator LEVIN had heard some of the same concerns. Because these employees worked for a Government corporation, they were not covered by the Whistleblower Protection Act. This legislation being introduced today, therefore, includes Government corporation employees under the act.

I believe this is a simple solution to the problem. I believe it will give confidence to RTC employees, and employees at other Government corporations, that if they talk to Members of Congress about their concerns, they will not be left unprotected. I again thank Senator LEVIN and I look forward to working with him on this legislation.•

• Mr. COHEN. Mr. President, I am pleased to join with Senator LEVIN in introducing legislation today to extend the provisions of the Whistleblower Protection Act of 1989 to employees of Government corporations.

As my colleagues know, 2 years ago the Congress passed legislation to protect Federal workers from retaliation or harrassment when they blow the whistle on waste, fraud or abuse in Federal departments or agencies. At that time, the Congress reaffirmed its

strong commitment to encourage and protect the many dedicated Federal employees who make the very difficult decision of coming forward to reveal illegalities or abuse.

Legislation passed by the Congress 2 years ago went far in simplifying the process that whistleblowers must follow in bringing cases, better ensured the confidentiality of whistleblowers, and clarified the role of the Office of Special Counsel in whistleblower cases. These very worthy reforms, however, do not extend to the employees of Government corporations, such as the Resolution Trust Corporation and the FDIC. It is crucial that we cover employees of these Government entities, especially now, when we are still sorting out the causes of the savings and loan debacle, and when so many financial institutions are in such precarious condition. Cases have already surfaced in which bank examiners may have been encouraged to sign misleading bank examination statements or ignore questionable practices of savings institutions. Without clear whistleblower protections available to them, bank examiners and employees of other banking agencies may be unwilling to reveal such practices.

Experience has taught us that problems in Government programs often come to light only when Federal employees—those on the inside—come forward. Experience has also taught us that too many times, workers who have blown the whistle have lost their jobs, had promising careers derailed, forfeited promotions, and paid other personal prices for exposing wasteful Government spending, illegal practices, or hazardous conditions. We have gone far in correcting this problem for Federal workers in most Federal agencies and departments. It is only fair and necessary that we extend the provisions of the Whistleblower Protection Act of 1989 to personnel of Government corporations, both to protect the efforts of good faith whistleblowers, and to protect the American taxpayer who may be called upon to pick up the tab for fraudulent or illegal activities that occur in the regulation of financial institutions.●

By Mr. HEFLIN (for himself and Mr. DASCHLE):

S. 393. A bill to provide for fair treatment for farmers and ranchers who are participating in the Persian Gulf war as active reservists or in any other military capacity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMER/RESERVISTS FAIR TREATMENT ACT

● Mr. HEFLIN. Mr. President, I rise to introduce the Farmer/Reservist Fair Treatment Act of 1991. Mr. President, throughout rural Alabama and indeed rural American our Nation's farmers are being called to active duty to aid in our country's war effort. The conscription of farmers presents a unique problem for family farmers. Most USDA farm programs require producers to either enroll and participate in farm programs or risk losing farm benefits. This use-it-or-lose-it philosophy could cause a great hardship for farmers who have been activated into military service. Furthermore, the Farmer's Home Administration could actually foreclose on a farmer for missing a payment while the farmer-reservist is risking his life to preserve peace in the Middle East.

In an effort to prevent the ill-treatment of our Nation's activated family farmers, I am introducing the Farmer/Reservist Fair Treatment Act.

The purpose of this bill is to provide for the fair treatment of farmers who are participating in the Persian Gulf war as active reservists and National Guardsmen.

Specifically, this bill would provide for the protection of a farmer's crop acreage, prevent the Farmers' Home Administration from foreclosing on a producer's farm, waive the minimum planting requirement for cotton and rice, and provide a temporary waiver for farmers with respect to the conservation provisions contained in the Food Security Act of 1985. The bill would also allow a procedure by which a spouse or a close relative of a farmer-reservist could make decisions relating to farm programs administered by the U.S. Department of Agriculture.

Our Nation's family farmers should not have to worry about whether the Government will foreclose on their farm or take away farm program benefits while these men and women are serving our country abroad.●

By Mr. BOREN (for himself, Mr. MURKOWSKI, and Mr. COHEN):

S. 394. A bill to amend the National Security Act of 1947 to improve counterintelligence measures through enhanced security for classified information, and for other purposes; to the Select Committee on Intelligence.

COUNTERINTELLIGENCE IMPROVEMENTS ACT

Mr. BOREN. Mr. President, today the new vice chairman of the Select Committee on Intelligence, Senator MURKOWSKI, and I, together with the former vice chairman of the committee, Senator COHEN, are pleased to reintroduce a bill which Senator COHEN and I had offered last fall at the end of the 101st Congress (S. 3251), titled the Counterintelligence Improvements Act of 1991.

That bill was itself a revision of a bill that we had introduced earlier in the 101st Congress as S. 2726.

Mr. President, I see no point in reiterating here the background of this particular legislation, nor in repeating the detailed explanation of its provisions, both of which were previously printed in the RECORD. For those who are interested, a detailed explanation of the background of the original legislation (S. 2726) can be found in the CONGRESSIONAL RECORD of June 13, 1990, at pages S7883–S7885. A detailed explanation of the provisions of the bill as revised (S. 3251) can be found in the CONGRESSIONAL RECORD of October 26, 1990, at pages S17298–S17326.

Suffice it to say, it remains our belief, as I stated when S. 2726 was originally introduced, that enactment of this legislation would significantly improve the counterintelligence posture of the United States. It incorporates the recommendations made to the committee in May 1990, by a distinguished panel of private citizens, chaired by Eli S. Jacobs, a successful businessman with extensive experience in the national security area, whom we have asked to look at this critical area. Serving on the panel with Mr. Jacobs were Adm. Bobby Inman, who had previously served as Director of the National Security Agency and Deputy Director of Central Intelligence; Warren Christopher, who formerly served as Deputy Secretary of State and Deputy Attorney General; Lloyd Cutler, who formerly served as counsel to President Carter; A.B. Culvahouse, who formerly served as counsel to President Reagan; Sol Linowitz, who served as Ambassador to the Organization of American States and negotiator of the Panama Canal Treaty; Richard Helms, former Director of Central Intelligence; Seymour Weiss, former Ambassador to The Bahamas and currently Chairman of the Defense Policy Board; and Harold Edgar, professor of law at Columbia University.

After an intensive 6-month review of the espionage cases which had taken place since 1975, the panel recommended 14 specific legislative actions to the committee to deal with the problem. In transmitting these to the Select Committee on Intelligence, the chairman of the panel, Mr. Jacobs, wrote that,

> [W]hile these proposals can be refined and improved, the panel believes that the enactment of this or similar legislation would significantly strengthen the ability of the United States to deter, detect, and prosecute persons who turn to espionage.

Mr. President, that statement captures in a nutshell what this legislation is intended to do. The need for it has not changed. Its provisions are, in my estimation, measured and prudent, careful to preserve civil liberties, but directed as specific problems evidenced over the last 15 years.

The Select Committee on Intelligence held two public hearings and one closed session last year on this legislation. We were unable, however, to schedule a markup last year due to the press of business at the end of the session.

I am hopeful, though, that the committee will be able to take up this bill early in this Congress, and that we will be able to bring it to the floor later in

this session. While we appreciate that a number of the bill's provisions overlap the jurisdiction of other committees, we hope that these committees will work with us in crafting a balanced and effective approach to deal with the intractable problem of espionage.

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. 394

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 "Counterintelligence Improvements Act of 1991".

SEC. 2. AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting at the end thereof the following new title:

"TITLE VIII—ACCESS TO TOP SECRET INFORMATION

"ELIGIBILITY FOR ACCESS TO TOP SECRET INFORMATION

"SEC. 801. (a) The President and Vice President, Members of the Congress, Justices of the Supreme Court and judges of other courts of the United States established pursuant to Article III of the Constitution, shall, by virtue of their elected or appointed positions, be entitled to access to Top Secret information needed for the performance of their governmental functions without regard to the other provisions of this title.

"(b) Among employees of the United States Government, access to Top Secret information shall be limited to employees;

"(1) who have been granted access to such information pursuant to this title;

"(2) who are citizens of the United States who require routine access to such information for the performance of official governmental functions; and

"(3) who have been determined to be trustworthy based upon a background investigation and appropriate reinvestigations and have otherwise satisfied the requirements of section 802, below.

"(c) Access to Top Secret information by persons other than those identified in subsections (a) and (b) shall be permitted only in accordance with the regulations issued by the President pursuant to section 802 below.

"IMPLEMENTING REGULATIONS

"Sec. 802. The President shall, within 180 days of enactment of this title, issue regulations to implement this title which shall be binding upon all departments, agencies, and offices of the Executive branch. These regulations shall, at a minimum provide that—

"(A) no employee of the United States Government shall be given access to Top Secret information owned, originated or possessed by the United States, after the effective date of this title, by any department, agency, or entity of the United States Government unless such person has been subject to an appropriate background investigation and has—

"(1) provided consent to the investigative agency responsible for conducting the security investigation of such person, during the initial background investigation and for such times as access to such information is maintained, and for 5 years thereafter, permitting access to—

"(a) financial records concerning the subject pursuant to section 1104 of the Right to Financial Privacy Act of 1978;

"(b) consumer reports concerning the subject pursuant to section 1681b of the Consumer Credit Protection Act; and

"(c) records maintained by commercial entities within the United States pertaining to any travel by the subject outside the United States: *Provided*, That—

"(i) no information may be requested by an authorized investigative agency pursuant to this section for any purpose other than making a security determination;

"(ii) where the person concerned no longer has access to Top Secret information, no information may be requested by an authorized investigative agency pursuant to this section unless such agency has reasonable grounds to believe, based upon specific and articulable facts available to it, that such person may pose a threat to the continued security of the information to which he or she had previously had access; and

"(iii) any information obtained by an authorized investigative agency pursuant to this section shall not be disseminated to any other department, agency, or entity for any purpose other than for making a security determination, or for foreign counterintelligence or law enforcement purposes;

"(2) agreed, during the period of his or her access, to report to the department, agency, or entity granting such access in accordance with applicable regulations, any travel to foreign countries which has not been authorized as part of the subject's official duties;

"(3) agreed to report to the Federal Bureau of Investigation, or to appropriate investigative authorities of the department, agency, or entity concerned, any unauthorized contacts with persons known to be foreign nationals or persons representing foreign nationals, where an effort to acquire classified information is made by the foreign national, or where such contacts appear intended for this purpose. For purposes of this subsection, the term 'unauthorized contacts' does not include contacts made within the context of an authorized diplomatic relationship. Failure by the employee to comply with any of the requirements of this subsection shall constitute grounds for denial or termination of access to the Top Secret information concerned.

"(B) all employees granted access to Top Secret information pursuant to this subsection shall also be subject to—

"(1) additional background investigations by appropriate governmental authorities during the period of access at no less frequent interval than every 5 years, except that any failure to satisfy this requirement that is not solely attributable to the subject of the investigation shall not result in a loss or denial of access; and

"(2) investigation by appropriate governmental authority at any time during the period of access to ascertain whether such persons continue to meet the requirements for access.

"(C) access to Top Secret information by categories of persons who do not meet the requirements of subsections (A) and (B) of this section may be permitted only where the President, or officials designated by the President for this purpose, determine that such access is essential to protect or further the national security interests of the United States.

"(D) a single office within the Executive branch shall be designated to monitor the implementation and operation of this title within the Executive branch. This office shall submit an annual report to the President and appropriate committees of the Congress, describing the operation of this title and recommending needed improvements. A copy of the regulations implementing this title shall be provided to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives thirty days prior to their effective date.

"WAIVERS FOR INDIVIDUAL CASES

"SEC. 803. In extraordinary circumstances, when essential to protect or further the national security interests of the United States, the President (or officials designated by the President for this purpose) may waive the provisions of this title, or the provisions of the regulations issued pursuant to section 802, above, in individual cases involving persons who are citizens of the United States or are persons admitted into the United States for permanent residence: *Provided*, That all such waivers shall be made a matter of record and reported to the office designated pursuant to section 802(D), above, and shall be available for review by the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives.

"DEFINITIONS

"SEC. 804. For purposes of this title—

"(a) the term 'national security' refers to the national defense and foreign relations of the United States;

"(b) the phrases 'information classified in the interest of national security' or 'classified information' means any information originated by or on behalf of the United States Government, the unauthorized disclosure of which would cause damage to the national security, which has been marked and is controlled pursuant to the Executive Order 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954;

"(c) the term 'Top Secret information' means information classified in the interests of national security, the unauthorized disclosure of which would cause exceptionally grave damage to the national security;

"(d) the term 'employee' includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government, but does not include the President or Vice President of the United States, Members of the Congress of the United States, Justices of the Supreme Court or judges of other federal courts established pursuant to Article III of the Constitution; and

"(e) the term 'authorized investigative agency' means an agency authorized by law or regulation to conduct investigations of persons who are proposed for access to Top Secret information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

"EFFECTIVE DATE

"SEC. 805. This title shall take effect 180 days after the date of its enactment.".

SEC. 3. PROTECTION OF CRYPTOGRAPHIC INFORMATION.

The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended by section 2, is further amended by inserting at the end the following new title:

"TITLE IX—PROTECTION OF CRYPTOGRAPHIC INFORMATION

"SEC. 901. (a) REQUIREMENTS FOR ACCESS TO CRYPTOGRAPHIC INFORMATION.—(1) Any em-

ployee of a department or agency within the Executive branch who is granted access to classified cryptographic information or routine, recurring access to any space in which classified cryptographic key is produced or processed, or is assigned responsibilities as a custodian of classified cryptographic key, shall, as a condition of receiving such access, or being assigned such responsibilities, and at a minimum:

"(A) meet the requirements applicable to persons having access to Top Secret information, as defined in subsection 804(c) of this Act, [as added by Section 2 of this Act]; and

"(B) be subject to periodic polygraph examinations conducted by appropriate governmental authorities, limited in scope to questions of a counterintelligence nature, during the period of access.

"(2) Failure to submit to an examination required under paragraph (1) shall be grounds for removal from access to cryptographic information or spaces.

"(3) No person shall be removed from access to cryptographic information or spaces based solely upon the interpretation of the results produced by a polygraph instrument, measuring physiological resources, unless, after further investigation, the head of the department or agency concerned determines the risk to the national security in permitting such access to be so potentially grave that access must nonetheless be denied.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'classified cryptographic information' means any information classified by the United States Government pursuant to law or Executive order concerning the details of (A) the nature, preparation, or use of any code, cipher, or cryptographic system of the United States; or (B) the design, construction, use, maintenance, or repair of any cryptographic equipment; *Provided, however,* That the term does not include information concerning the use of cryptographic systems or equipment required for personal or office use;

"(2) the phrase 'custodian of classified cryptographic key' means positions that require access to classified cryptographic key beyond that required to use or operate cryptographic equipment for personal or office use, future editions of classified cryptographic key, or classified cryptographic key used for multiple devices;

"(3) the term 'classified cryptographic key' means any information (usually a sequence of random binary digits), in any form, classified by the United States Government pursuant to law or Executive order that is used to set up and periodically change the operations performed by any cryptographic equipment;

"(4) the term 'cryptographic equipment' means any device, apparatus or appliance used, or prepared, or planned for use by the United States for the purpose of authenticating communications or disguising or concealing the contents, significance, or meanings of communications;

"(5) the term 'employee' includes any person who receives a salary or compensation of any kind from a department or agency of the Executive branch, or is a contractor or unpaid consultant of such department or agency;

"(6) the term 'head of a department or agency' refers to the highest official who exercises supervisory control over the employee concerned, and does not include any intermediate supervisory officials who may otherwise qualify as heads of agencies within departments; and

"(7) the phrase 'questions of a counterintelligence nature' means questions specified to the subject in advance of a polygraph examination solely to ascertain whether the subject is engaged in, or planning, espionage against the United States on behalf of a foreign government or knows persons who are so engaged.

"SEC. 902. IMPLEMENTING REGULATIONS.—The President shall, within 180 days of the date of enactment of this title, promulgate regulations to implement the provisions of this title. The President shall provide copies of such regulations to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 4. AMENDMENT TO RIGHT TO FINANCIAL PRIVACY ACT.

Section 1104 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3404) is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding the provisions of subsection (a), a customer who is the subject of a personnel security investigation conducted by an authorized investigative agency of the U.S. Government as a condition of being granted or maintaining access to Top Secret information, as defined by section 804(c) of the National Security Act of 1947 (as added by section 2 of this Act), may authorize nonrevokable disclosure of all financial records maintained by financial institutions for the period of the customer's access to such information and for up to 5 years after access to such information has been terminated, by the investigative agency responsible for the conduct of such investigation, for an authorized security purpose.

"(2) Such authority shall be contained in a signed and dated statement of the customer which identifies the financial records which are authorized to be disclosed. Such statement may also authorize the disclosure of financial records of accounts opened during the period covered by the consent agreement which are not identifiable at the time such consent is provided. A copy of such statement shall be provided by the investigative agency concerned to the financial institution from which disclosure is sought, together with the certification required pursuant to section 1103(b) (12 U.S.C. 3403(b)).

"(3) The rights of the customer established by subsection (c), above, shall pertain to any disclosures made pursuant to this subsection.

"(4) On an annual basis, the office designated by President pursuant to section 802(D) of the National Security Act of 1947 (as added by section 2 of this Act), shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning the number of requests for financial records made pursuant to this section.".

SEC. 5. NEW CRIMINAL OFFENSE FOR THE POSSESSION OF ESPIONAGE DEVICES.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended by inserting at the end thereof the following new section:

"POSSESSION OF ESPIONAGE DEVICES

"SEC. 799a. Whoever knowingly maintains possession of any electronic, mechanical, or other device or equipment the design and capability of which renders it primarily useful for the purpose of surreptitiously collecting or communicating information, with the intent of utilizing such device or equipment to undertake actions which would violate section 793, 794, 794a (as added by section 6 of this Act), or 798 of this title, or section 783(b) of title 50, United States Code, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.".

(b) AMENDMENTS TO TABLE OF SECTIONS.—The table of sections for chapter 37 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"799a. Possession of espionage devices.".

SEC. 6. NEW OFFENSE FOR SALE OR TRANSFER TO FOREIGN GOVERNMENTS DOCUMENTS AND OTHER MATERIALS DESIGNATED AS TOP SECRET.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended by inserting after section 794 the following new section:

"SALE OR TRANSFER OF DOCUMENTS OR MATERIALS MARKED AS 'TOP SECRET'

"SEC. 794a. (a)(1) No person shall knowingly sell or otherwise transfer for any valuable consideration to any person whom he knows or has reason to believe to be an agent or representative of a foreign government—

"(A) any document, writing, code book, sketch, photograph, map, model, instrument, equipment, electronic storage media, or other material, or portion thereof, knowing that it is marked or otherwise designated in any manner, pursuant to applicable law and Executive order, as 'Top Secret', or

"(B) any such document, writing, code book, sketch, photograph, map, model, instrument, equipment, electronic storage media, or other material, or portion thereof, which has had such marking or designation removed without authority and the person making the sale or transfer is aware of such removal.

"(2) Paragraph (1) shall not be deemed to be violated by a person who makes such transfer pursuant to applicable law or executive branch authority.

"(b) In any prosecution under this section, whether or not the information or material in question has been properly marked or designated as "TOP SECRET" pursuant to applicable law or Executive order shall not be an element of the offense: *Provided, however,* That it shall be a defense to any prosecution under this section that the information or document in question has been officially released to the public by an authorized representative of the United States prior to the sale or transfer in question.

"(c) Violation of this section shall be punishable by imprisonment for a maximum of 15 years.".

(b) AMENDMENTS TO TABLE OF SECTIONS.—The table of sections for chapter 37 of title 18, United States Code, is amended by inserting after the item relating to section 794 the following new item:

"794a. Sale or transfer of documents or materials marked as 'Top Secret'."

SEC. 7. LESSER CRIMINAL OFFENSE FOR THE REMOVAL OF TOP SECRET DOCUMENTS BY GOVERNMENT EMPLOYEES AND CONTRACTORS.

(a) IN GENERAL.—Chapter 93 of title 18, United States Code, is amended by inserting at the end thereof the following new section:

"REMOVAL AND RETENTION OF 'TOP SECRET' DOCUMENTS OR MATERIAL

"SEC. 1924. Whoever, being an officer, employee, contractor or consultant, of the United States, and having, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials classified at the level of 'Top Secret' pursuant to applicable law or Executive order, knowingly removes such documents or materials without authority and retains such doc-

uments or materials at an unauthorized location shall be fined not more than $1,000, or imprisoned for not more than one year, or both.".

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for chapter 93 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1924. Removal of 'Top Secret' documents or material."

SEC. 8. JURISDICTION OF UNITED STATES COURTS TO TRY CASES INVOLVING ESPIONAGE OUTSIDE THE UNITED STATES.

(a) Chapter 211 of title 18 of the United States Code is amended by adding a new section 3239 as follows:

"§3239. Jurisdiction for espionage and related offenses

"The trial for any offense involving a violation of—

"(a) sections 793, 794, 794a (as added by section 6 of this Act), 798, 798a (as added by section 5 of this Act), or subsection 1030(a)(1) of this title;

"(b) section 601 of the National Security Act of 1947 as added by the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421); or

"(c) subsection 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (U.S.C. 783(b) or 783(c));

begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular state or district, may be prosecuted in the District of Columbia, or in the Eastern District of Virginia, or in any other district authorized by law.".

(b) The chapter analysis for chapter 211 of title 18 of the United States Code is amended by striking out

"[3239. Repealed.]"

and inserting in lieu thereof:

"3239. Jurisdiction for espionage and related offenses."

SEC. 9. EXPANSION OF EXISTING STATUTE REGARDING FORFEITURE OF COLLATERAL PROFITS OF CRIME TO ADDITIONAL ESPIONAGE OFFENSES.

Section 3681 of title 18, United States Code, is amended—

(1) in subsection (a), by striking out "section 794 of this title" and inserting in lieu thereof "sections 793, 794, 794a (as added by section 6 of this Act), 798, and 799a (as added by section 5 of this Act) of this title and section 783 of title 50, United States Code"; and

(2) by adding at the end thereof the following new subsection:

"(e) For purposes of this section, convictions pursuant to military courts-martial for offenses comparable to violations of sections 793, 794, 794a (as added by section 6 of this Act), 798, and 799a (as added by section 5 of this Act) of this title, or a violation of section 783 of title 50, or convictions by foreign courts for offenses which, if perpetrated within the United States, would constitute offenses under sections 793, 794, 794a (as added by section 6 of this Act), 798, and 799a (as added by section 5 of this Act) of this title, or a violation of section 783 of title 50 shall be considered as convictions for which actions may be ordered pursuant to this section.".

SEC. 10. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General certifies to the agency employing or formerly employing the person concerned—

"(i) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions, had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(2) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(3) that such conviction occurred after the date of enactment of this subsection:

Provided, That any certification made pursuant to this paragraph shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subsections (1), (2), (3), herein, as certified by the Attorney General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned.

SEC. 11. AUTHORIZING THE FBI TO OBTAIN CONSUMER REPORTS ON PERSONS BELIEVED TO BE AGENTS OF FOREIGN POWERS.

Section 608 of the Consumer Credit Protection Act (15 U.S.C. 1681f) is amended—

(1) by inserting "(a)" before "Notwithstanding"; and

(2) by inserting at the end thereof the following new subsections:

"(b) Notwithstanding the provisions of section 604, a consumer reporting agency shall, upon request, furnish a consumer report to the Federal Bureau of Investigation, if the Director of the Federal Bureau of Investigation, or the Director's designee, certifies in writing to the consumer reporting agency that such records are sought in connection with an authorized foreign counterintelligence investigation and that there are specific and articulable facts giving reason to believe that the person to whom the requested consumer report relates is an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

"(c) Notwithstanding the provisions of section 604, a consumer reporting agency shall furnish identifying information respecting any consumer, limited to name, address, former addresses, places of employment, or former places of employment, to a representative of the Federal Bureau of Investigation when presented with a written request signed by the Director of the Federal Bureau of Investigation, or the Director's designee, stating that the information is necessary to the conduct of an authorized foreign counterintelligence investigation.

"(d) No consumer reporting agency, or officer, employee, or agent of such institution shall disclose to any person that the Federal Bureau of Investigation has sought or obtained a consumer report or identifying information respecting any consumer under this section.

"(e) On an annual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests made under subsections (b) and (c).".

SEC. 12. AUTHORIZING FBI ACCESS TO CERTAIN TELEPHONE SUBSCRIBER INFORMATION.

(a) Section 2709 of title 18 of the United States Code is amended by striking out subsection (b) and inserting the following subsection:

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

"(1) request subscriber information, toll billing records information, or electronic communication transactional records if the Director (or the Director's designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

"(2) request the name, address, and length of service of a person or entity that has subscribed to an electronic communication service if the Director, or his designee in a position not lower than Deputy Assistant Director, certifies in writing to the wire or electronic communication service provider to which the request is made that—

"(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

"(B) if the information is not publishable, there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with:

"(i) a foreign power, as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978, which engages in clandestine intelligence activities or international terrorism;

"(ii) a foreign diplomatic establishment;

"(iii) an agent of the foreign power, as defined in section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, who engages or has engaged in clandestine intelligence activities or acts as a member of a foreign power as defined in section 101(a)(4) of the Foreign Intelligence Surveillance Act; or

"(iv) an agent of a foreign power, as defined in section 101(b)(2) of the Foreign Intelligence Surveillance Act of 1978.

"(3)(A) Except for the limited inquiry provided in subparagraph (B), the FBI may not conduct any investigation of a person or entity on the basis of nonpublishable information received pursuant to paragraph (2)(B) unless there are specific and articulable facts giving reason to believe that such person or entity is involved, or is seeking to become involved, in clandestine intelligence activities or international terrorism activities on behalf of a foreign power or an agent

of a foreign power, or is in a position to provide assistance to the Federal Bureau of Investigation in countering such activities.

"(B) The Federal Bureau of Investigation may conduct an inquiry, limited in duration and using the least intrusive means possible, to determine whether there is a basis for an investigation under subparagraph (A). Such inquiry shall be conducted in accordance with guidelines issued by the Attorney General and submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(b) Section 2709 of title 18 of the United States Code is amended by striking out subsection (d) and inserting the following subsection:

"(d) DISSEMINATION BY BUREAU.—The Federal Bureau of Investigation may disseminate information and records obtained under this section only as provided in guidelines approved by the Attorney General for foreign intelligence collection and foreign counterintelligence investigations conducted by the Federal Bureau of Investigation, and with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency. Information concerning a communication of a United States person obtained under this section may not be disseminated outside the Federal Bureau of Investigation except for authorized counterintelligence or law enforcement purposes.".

SEC. 13. TO PROVIDE FOR REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) IN GENERAL.—Chapter 204 of title 18, United States Code, is amended—

(1) by inserting at the end of the chapter heading "AND ESPIONAGE";

(2) in section 3071, by inserting "(a)" immediately before "With respect to";

(3) in section 3071, adding at the end thereof the following new subsection:

"(b) With respect to acts of espionage involving or directed at United States information classified in the interest of national security, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States.".

(b) AMOUNT OF REWARDS.—Section 3072 of title 18, United States Code, is amended by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

(c) DEFINITIONS.—Section 3077 of title 18, United States Code, is amended by inserting at the end thereof the following new paragraphs:

"(8) 'act of espionage' means an activity that is a violation of sections 794, 794a (as added by section 6 of this Act), 798, or 799a (as added by section 5 of this Act) of this title or section 783 of title 50, United States Code.

"(9) 'United States information classified in the interests of national security' means information originated, owned, or possessed by the United States Government concerning the national defense and foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure and that has been so designated.".

SEC. 14. TO PROVIDE A COURT ORDER PROCESS FOR PHYSICAL SEARCHES UNDERTAKEN FOR FOREIGN INTELLIGENCE PURPOSES.

The Foreign Intelligence Surveillance Act of 1978 is amended by inserting at the end thereof the following new title:

"TITLE IV—PHYSICAL SEARCHES WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

"AUTHORIZATION OF PHYSICAL SEARCHES FOR FOREIGN INTELLIGENCE PURPOSES

"SEC. 401.(a) Applications for a court order under this title are authorized if the President has, in writing, empowered the Attorney General to approve applications to the Foreign Intelligence Surveillance Court, and a judge of that court to whom application is made may, notwithstanding any other law, grant an order, in conformity with section 403, approving a physical search in the United States, for the purpose of collecting foreign intelligence information of—

"(1) the property, information or material of a foreign power as defined in section 101(a) (1), (2), and (3) of this Act, or

"(2) the premises, property, information or material of an agent of a foreign power or a foreign power as defined in section 101(a) (4), (5), and (6) of this Act.

"(b) The Foreign Intelligence Surveillance Court shall have jurisdiction to hear applications for and grant orders approving a physical search for the purpose of obtaining foreign intelligence information anywhere within the United States under the procedures set forth in this title, except that no judge shall hear the same application which has been denied previously by another judge. If any judge denies an application for an order authorizing a physical search under this title, such judge shall provide immediately for the record a written statement of each reason for his decision and, on motion of the United States, the record shall be transmitted, under seal, to the Court of Review.

"(c) The Court of Review shall have jurisdiction to review the denial of any application made under this title. If such court determines that the application was properly denied, the Court shall immediately provide for the record a written statement of each reason for its decision and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(d) Judicial proceedings under this title shall be concluded as expeditiously as possible. The record of proceedings under this title, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of Central Intelligence.

"APPLICATION FOR AN ORDER

"SEC. 402.(a) Each application for an order approving a physical search under this title shall be made by a Federal officer in writing upon oath or affirmation to a judge of the Foreign Intelligence Surveillance Court. Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfied the criteria and requirements for such application as set forth in this title. It shall include—

"(1) the identity, if known, or a description of the target of the search;

"(2) the authority conferred on the Attorney General by the President of the United States and the approval of the Attorney General to make the application;

"(3) the identity of the Federal officer making the application and a detailed description of the premises or property to be searched and of the information, material, or property to be seized, reproduced, or altered;

"(4) a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that—

"(A) the target of the physical search is a foreign power or an agent of a foreign power;

"(B) the premises or property to be searched contains foreign intelligence information;

"(C) the premises or property to be searched is owned, used, possessed by, or is in transit to or from a foreign power or an agent of a foreign power;

"(5) a statement of the proposed minimization procedures;

"(6) a statement of the manner in which the physical search is to be conducted;

"(7) a statement of the facts concerning all previous applications that have been made to any judge under this title involving any of the persons, premises, or property specified in the application, and the action taken on each previous applications;

"(8) a statement of the facts concerning any search described in section 406(b), below, which involves any of the persons, premises, or property specified in the application; and

"(9) a statement that the purpose of the physical search is to obtain foreign intelligence information.

"(b) The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 403.

"ISSUANCE OF AN ORDER

"SEC. 403. (a) Upon an application made pursuant to section 402, the judge shall enter an ex parte order as requested or as modified approving the physical search if the judge finds that—

"(1) the President has authorized the Attorney General to approve applications for physical searches for foreign intelligence purposes;

"(2) the application has been made by a Federal officer and approved by the Attorney General;

"(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

"(A) the target of the physical search is a foreign power or an agent of a foreign power: *Provided*, That no United States person may be considered an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States;

"(B) the premises or property to be searched are owned, used, possessed by, or is in transit to or from an agent of a foreign power or a foreign power; and

"(C) physical search of such premises or property can reasonably be expected to yield foreign intelligence information which cannot reasonably be obtained by normal investigative means; and

"(4) the proposed minimization procedures meet the definition of minimization contained in this title; and

"(5) the application which has been filed contains all statements required by section 402.

"(b) An order approving a physical search under this section shall—

"(1) specify—

identity, if known, or a description of the target of the physical search;

"(B) the premises or property to be searched and the information, material, or property to be seized, altered, or reproduced;

"(C) the type of foreign intelligence information sought to be acquired; and

"(D) a statement of the manner in which the physical search is to be conducted and, whenever more than one physical search is authorized under the order, the authorized scope of each search and what minimization procedures shall apply to the information acquired by each search;

"(2) direct—

"(A) that the minimization procedures be followed;

"(B) that, upon the request of the applicant, a specified landlord, custodian, or other specified person furnish the applicant forthwith all information, facilities, or assistance necessary to accomplish the physical search in such a manner as will protect its secrecy and produce a minimum of interference with the activities of the landlord, custodian, or other person; and that such landlord, custodian or other person maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the search or the aid furnished that such person wishes to retain;

"(C) that the physical search be undertaken within 30 days of the date of the order, or, if the physical search is of the property, information or material of a foreign power as defined in section 101(a) (1), (2), or (3) of this Act, that such search be undertaken within one year of the order; and

"(D) that the federal officer conducting the physical search promptly report to the court the circumstances and results of the physical search.

"(c) At any time after a physical search has been carried out, the judge to whom the return has been made may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

"(d) Application made and orders granted under this title shall be retained for a period of at least ten years from the date of the application.

"(e) Not more than 60 days after a physical search of the residence of a United States person authorized by this title, or such a search in the circumstances described in section 406(b), has been conducted, the Attorney General shall provide the United States person with an inventory which shall include—

"(1) existence or not of a court order authorizing the physical search and the date of the order;

"(2) the date of the physical search and an identification of the premises or property searched; and

"(3) a list of any information, material, or property seized, altered, or reproduced.

"(f) On an ex parte showing of good cause by the Attorney General to a judge of the Foreign Intelligence Surveillance Court the provision of the inventory required by subsection (e) may be postponed for a period not to exceed 90 days. At the end of such period the provision of the inventory may, upon a similar showing, be postponed indefinitely. The denial of a request for such postponements may be reviewed as provided in section 401.

"USE OF INFORMATION

"SEC. 404. (a) Information acquired from a physical search conducted pursuant to this title concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this title. No information acquired from a physical search pursuant to this title may be used or disclosed by Federal officers or employees except for lawful purposes.

"(b) No information acquired pursuant to this title shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(c) Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from a physical search of the premises or property of that aggrieved person pursuant to the authority of this title, the United States shall, prior to the trial, hearing, or the other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the United States intends to so disclose or so use such information.

"(d) Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof against an aggrieved person any information obtained or derived from a physical search of the premises or property of that aggrieved person pursuant to the authority of this title, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

"(e) Any person against whom evidence obtained or derived from a physical search to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such search on the grounds that—

"(1) the information was unlawfully acquired; or

"(2) the physical search was not made in conformity with an order of authorization or approval.

Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

"(f) Whenever a court of other authority is notified pursuant to subsection (c) or (d), or whenever a motion is made pursuant to subsection (e), or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications or orders or other materials relating to a physical search authorized by this title or to discover, obtain, or suppress evidence or information obtained or derived from a physical search authorized by this title, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to the physical search as may be necessary to determine whether the physical search of the aggrieved person was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the physical search only where such disclosure is necessary to make an accurate determination of the legality of the physical search.

"(g) If the United States district court pursuant to subsection (f) determines that the physical search was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the physical search of the aggrieved person or otherwise grant the motion of the aggrieved person. If the court determines that the physical search was lawfully authorized or conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

"(h) Orders granting motions or requests under subsection (g), decisions under this section that a physical search was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure of applications, orders or other materials relating to the physical search shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

"(i) The provisions of this section regarding the use or disclosure of information obtained or derived from a physical search shall apply to information obtained or derived from a search conducted without a court order to obtain foreign intelligence information which is not a physical search as defined in this title solely because the existence of exigent circumstances would not require a warrant for law enforcement purposes.

"OVERSIGHT

"SEC. 405. (a) On a semiannual basis the Attorney General shall fully inform the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence concerning all physical searches conducted pursuant to this title, and all other searches, except those reported under section 108 of this Act, conducted in the United States for foreign intelligence purposes. On an annual basis the Attorney General shall also provide to those committees a report setting forth with respect to the preceding calendar year—

"(1) the total number of applications made for orders approving physical searches under this title; and

"(2) the total number of such orders either granted, modified, or denied.

"(b) Whenever a search is conducted without a court order to obtain foreign intel-

ligence information which is not a physical search as defined in this title solely because the existence of exigent circumstances would not require a warrant for law enforcement purposes, a full report of such search, including a description of the exigent circumstances, shall be maintained by the Attorney General. Each such report shall be transmitted to the Foreign Intelligence Surveillance Court promptly after the search is conducted.

"AUTHORITY FOR INTELLIGENCE SEARCHES

"SEC. 406. (a) The procedures contained in this title shall be the exclusive means by which a physical search, as defined in this title, may be conducted in the United States for foreign intelligence purposes, and an order issued under this title authorizing a physical search shall constitute a search warrant authorized by law for purposes of any other law.

"(b) Searches conducted in the United States to collect foreign intelligence information, other than physical searches as defined in this title and electronic surveillance as defined in this Act, and physical searches conducted in the United States without a court order to collect foreign intelligence information may be conducted only pursuant to regulations issued by the Attorney General. Such regulations, and any changes thereto, shall be provided to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives at least 14 days prior to the taking effect. Any regulations issued by the Attorney General regarding such searches which were in effect as of June 1, 1990, shall be deemed to be regulations required by this subsection.

"PENALTIES

"SEC. 407. (a) OFFENSE.—A person is guilty of an offense if he intentionally—

"(1) under color of law for the purpose of obtaining foreign intelligence information, engages in physical search within the United States except as authorized by statute; or

"(2) discloses or uses information obtained under color of law by physical search within the United States, knowing or having reason to know that the information was obtained through physical search not authorized by statute, for the purpose of obtaining intelligence information.

"(b) DEFENSE.—It is a defense to a prosecution under subsection (a) that the defendant was a law enforcement or investigative officer engaged in the course of his official duties and the physical search was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction.

"(c) PENALTY.—An offense described in this section is punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

"(d) JURISDICTION.—There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employee of the United States at the time the offense was committed.

"CIVIL LIABILITY

"SEC. 408. CIVIL ACTION.—An aggrieved person, other than a foreign power or an agent of a foreign power, as defined in section 101 (a) or (b)(1)(A), respectively, of this Act, whose premises, property, information, or material has been subjected to a physical search within the United States or about whom information obtained by such a physical search has been disclosed or used in violation of section 407 shall have a cause of action against any person who committed such violation and shall be entitled to recover—

"(a) actual damages;

"(b) punitive damages; and

"(c) reasonable attorney's fees and other investigative and litigation costs reasonably incurred.

"DEFINITIONS

"SEC. 409. As used in this title:

"(a) The terms 'foreign power,' 'agent of a foreign power,' 'international terrorism,' 'sabotage,' 'foreign intelligence information,' 'Attorney General,' 'United States person,' 'United States',' 'person,' and 'State' shall have the same meaning as in Section 101 of this Act.

"(b) 'Physical search' means any physical intrusion into premises or property (including examination of the interior of property by technical means) or any seizure, reproduction or alteration of information, material or property, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, but does not include 'electronic surveillance' as defined in subsection 101(f) of this Act.

"(c) 'Minimization procedures' with respect to physical search, means—

"(1) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purposes and technique of the particular physical search, to minimize the acquisition and retention, and prohibit the dissemination, of non-publicly available information concerning unconsenting United States persons consistent with the need of the United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

"(2) procedures that require that non-publicly available information, which is not foreign intelligence information, as defined in subsection 101(e)(1) of this Act, shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand such foreign intelligence information or assess its importance; and

"(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes."

"(d) 'Aggrieved person' means a person whose premises, property, information, or material is the target of physical search or any other person whose premises, property, information, or material was subject to physical search.

"(e) 'Foreign Intelligence Surveillance Court' means the court established by section 103(a) of this Act.

"(f) 'Court of Review' means the court established by section 103(b) of this Act.

"EFFECTIVE DATE

"SEC. 410. The provisions of this title shall become effective 90 days after the date of enactment of this title, except that any physical search approved by the Attorney General to gather foreign intelligence information shall not be deemed unlawful for failure to follow the procedures of this title, if that search is conducted within 180 days following the date of enactment of this title pursuant to regulations issued by the Attorney General, which are in the possession of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives prior to the date of enactment.".

By Mr. ADAMS (for himself and Mr. GORTON):

S. 395. A bill to require the Secretary of Energy to establish the fast flux test facility as a research and development center to be known as the research reactor user complex; to the Committee on Energy and Natural Resources.

RESEARCH REACTOR USER COMPLEX

Mr. ADAMS. Mr. President, today I am introducing legislation that would allow for the partial privatization of one of the United States most technologically advanced test reactors, the fast flux test facility in the State of Washington.

I join with my colleagues, SID MORRISON, who has introduced a companion bill in the House of Representatives, and Senator SLADE GORTON, who is cosponsoring this important piece of legislation for our State.

It is very important that I speak to this legislation, and the commercialization of the FFTF reactor, because the privatization of this reactor in Washington State is a step toward moving ourselves away from weapons production and into advanced technology.

I am pleased to put forth this legislation, but distressed that it is needed. It is needed because the owner of the fast flux test facility, the U.S. Department of Energy, is eager to shut this facility down; very eager, in fact, seeing as they decimated the 1992 FFTF funding.

For the next year, the Department has requested only $28 million for FFTF. This represents a dramatic and potentially devastating reduction from the $84 million I and others fought so hard to secure in last year's appropriations bill.

This reactor is important, and it is important from a whole series of viewpoints involving the environment and involving the manner in which our technology can and should be used for means other than destructive means.

The FFTF is clean, safe, and capable of conducting substantial testing and isotope production into the next century. The FFTF has been acclaimed internationally, and praised by the DOE internal reviews.

Still, the Department of Energy wants to shut it down. This is a terribly shortsighted position, and it is disturbing and inexcusable. Why does the Department of Energy spend billions refurbishing decrepit reactors at Savannah River and yet walk away from its only modern test reactor? What about the administration's professed concern about U.S. high technology?

In the face of DOE's decision to defund the FFTF facility, the Washington delegation is introducing this bill. The bill allows non-Federal agents to invest in the fast flux test facility with

an assurance they can recoup their investments. That is very important for attracting investors in this project to ensure that this reactor would not be phased out by DOE. This bill also sets up a fund consisting of all charges to non-Federal users of FFTF from which DOE may offset operating costs of the reactor.

Mr. President, this legislation is necessary for the continued operation of the FFTF, which is vital to the economy of the tricities as well as our entire State.

I commend this legislation to my colleagues and ask for their support and cosponsorship. Its passage would help bring private investors into the FFTF operations and would keep this world class, U.S.-owned facility operating.

Once again, Mr. President, this is an opportunity to privatize this reactor by having other parties able to use its isotopes production and testing. I hope that this commercialization bill will pass.

I ask unanimous consent that the bill I am introducing be taken to the desk and referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, the bill will be referred.

• Mr. GORTON. Mr. President, it is with great pleasure that I join my colleague from Washington, Senator ADAMS, in reintroducing the fast flux test facility commercialization bill. This legislation establishes the FFTF as a multimission international center for research and development of isotopes and energy, and makes possible commercial participation in the facility.

For those who are not familiar with FFTF, let me take a moment to describe its many capabilities. The facility was originally designed to test fuels and materials for advanced nuclear powerplants, and has repeatedly set records for performance in this mission. FFTF is the Nation's most modern reactor, and is the only existing Federal facility which meets the environmental and safety standards required of commercial reactors.

But FFTF has much broader research potential which has only begun to be exploited. Production of medical and industrial isotopes, space reactor testing, fusion materials testing, production of space isotopes such as PU-238, and liquid metal and safety fuel testing are only some of the possible uses of this facility. FFTF has also proven its ability to transmute radioactive waste to burnable nonradioactive waste, demonstrating technology which may be used to clean up Hanford and other sites.

The versatility of FFTF has piqued the interest of potential users outside the U.S. Government. Later this month, representatives of the Washington State Governor's office and the Department of Energy will lead a delegation to Japan to discuss the possible use of FFTF by Japanese concerns. Japan's interest in FFTF is indicative of the cutting edge research which can be performed there, although Japan is only one of many potential users of the facility.

This legislation will enhance the FFTF marketing effort by directing the Department of Energy to provide facilities, equipment, utility services, fire protection, and other services to potential users. In return, DOE will be allowed to charge customers for use of the facility.

Mr. President, I am gratified by the broad support that FFTF has received from Congress in past years—$84 million was appropriated for the facility last year, and I am hopeful that Congress will again see to it that FFTF is adequately funded. Seeking commercial participation in the FFTF program will reduce and, over time, perhaps eliminate the Federal appropriations required to operate the facility.

The legislation Senator ADAMS and I are introducing today is a vital component of this marketing effort. I invite my colleagues to join me in cosponsoring this bill.•

By Mr. WIRTH (for himself and Mr. HEINZ):

S. 396. A bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. WIRTH):

S. 397. A bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such newsprint, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WIRTH (for himself and Mr. HEINZ):

S. 398. A bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead acid batteries; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself and Mr. WIRTH):

S. 399. A bill to amend the Solid Waste Disposal Act to prohibit the Administrator of the Environmental Protection Agency from listing used oil and affiliated materials as a hazardous waste under that act, to require producers and importers of lubricating oil to recycle a certain percentage of used oil each year, to require the Administrator to establish a recycling credit system for carrying out such recycling requirement, and for other purposes; to the Committee on Environment and Public Works.

RECYCLING INCENTIVES LEGISLATION

Mr. HEINZ. Mr. President, I and my colleague from Colorado are introducing today a legislative package which creates a promising new line of environmental defense: market driven incentives for recycling.

Over the course of the past 30 years, Congress has enacted sweeping environmental legislation: The Solid Waste Disposal Act, the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, Superfund. These laws draw most of their force from a single source: end-of-pipe control regulations, enormously technical, detailed regulations, promulgated by the Environmental Protection Agency after long and hard labor.

Mr. President, I have no quarrel with the EPA's efforts in this field. And I have no doubt that end-of-pipe controls are one of several essential tools in our struggle to preserve our environment, safeguard public health, and conserve valuable resources. But the very nature of our environmental problems demands that our bag of tools contain more than just the regulatory hammer of command and control. End-of-pipe controls can only achieve so much.

Command and control regulations such as end-of-pipe controls cannot prevent over half the Nation's landfills from reaching their limits in the next 5 years; they cannot prevent parades of garbage trucks criss-crossing the country looking for a place to dump their loads. Nor can end-of-pipe controls, no matter how tough, prevent reckless depletion of basic raw materials—the natural resource stores the Earth built up over the course of its 4.5 billion year life.

End-of-pipe controls do not stop us from decimating our old-growth forests or from stripping our land for minerals. They do not keep us in America from importing nearly 50 percent of our daily oil requirements. And they do not teach us to conserve. Man is using fossil fuels 100,000 times faster than the Earth can form them. At some point, the costs will become prohibitive or we will simply pull out. Neither result is one we should leave as a burden to our children and grandchildren.

We have also managed, in our disposable, throw-away society, to inflict upon the environment the final indignity—to relegate still-valuable resources to the garbage dump.

Think of rubber, paper, oil, lead.

Every year Americans generate more than 250 million used tires, adding to the close to 3 billion old tires that already blight our landscape. Tires do not degrade—they just sit there. They are enough to cover the entirety of the water surface of all the Great Lakes, and then some.

Every year North America produces almost 14 million tons of newsprint. Some people may not find this a lot. Let me provide an idea. Think of a large, healthy tree in your neighborhood. We have to cut down a half a million such trees each week just to print each Sunday's newspapers.

We throw away so much newspaper—newsprint, if you will—that if all the newspapers discarded each year were stacked vertically they would reach all the way to the Moon and halfway back. Instead, nearly 9.5 million of those 14 million tons ends up in landsfills, and it costs us over $255 million a year to put it there.

Each year Americans use up over 70 million lead-acid batteries. And at least 23 million of these end up in landfills or along the side of the road. Just from the batteries we throw away, we expose ourselves to more than 400 million pounds of lead—lead which, if not recycled, creates a health and environmental nightmare.

Think of that statistic this way. As of today, after 3 weeks of hostilities in the Persian Gulf, the United States and our allies will have flown 50,000 aircraft sorties against enemy targets. If each of those planes had carried four 2000-pound bombs made entirely of lead, that would almost equal what we are irresponsibly dumping on our fellow citizens in America each year. We are rightly opposed to Saddam Hussein waging chemical warfare in the gulf. We should be equally concerned about we Americans waging chemical warfare on ourselves here at home.

And the nightmares don't end with lead. Each year, some 337 millions gallons of used motor oil—as much as 35 *Exxon Valdez* spills, eight times the size of the huge spill Iraq just inflicted on the gulf—each year, that much ends up in landfills, poured down storm sewers, or improperly burned.

These statistics—on just four common materials—paint a bleak picture. And end-of-pipe controls cannot alter that image. But recycling—bolstered by market incentives—can.

Recycling is not new. And all of us know that efforts to recycle these and other post-consumer materials are underway in communities across the Nation. But we have tried recycling three times in this century already. And each time it has enjoyed only limited and temporary success. One reason: up until now, we have been tackling only half of the problem.

We exhort consumers to separate their trash: take their used motor oil and old tires to a gas station, bundle their old newspapers for curbside collection, return their used batteries to a store. Our States pass laws requiring cities to recycle, that is, to provide pickup services for curb-side collection programs or to provide a local collection center where citizens can bring their separated trash. And there our efforts end.

But, Mr. President, without markets for those collected materials, the patiently separated trash remains just that—trash—to end up as garbage in a landfill or dumped along some deserted road. And everyone's efforts are, quite literally, wasted.

So it is time for an expanded toolkit, and time for new legislation to supply it. And it is time, right now, for the tool this bill creates: marketable credits earned by reintroducting secondary materials—be they tires, oil, batteries, or newspapers—into the manufacturing process or some other resource recovery system. These credits will give value to materials now seen—mistakenly—as valueless. They will create, stimulate and ensure some measure of stability in secondary materials markets. In so doing, they will continue the resource cycle rather than impotently abandon it.

Mr. President, each generation looks to the one which follows as a new hope for social progress, a new beginning—in a way—of solving old ills. And each generation enters the social area with new vigor and resolve to redress these ills—to attack with reasoned change the entrenched ills that persist in petrified systems and institutions.

Mr. President, today my colleague from Colorado and I call for change. Real, meaningful change, a new way of doing business, a new, another way of managing our resources and preserving the integrity of our environment.

Surely Mr. President, the generation which follows us deserves a legacy of conservation and an environment capable of nurturing them as it has nurtured us. I ask my colleagues to support this legislation, and I ask unanimous consent that certain supporting materials be printed in the RECORD.

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

USED TIRE FACTS

240 million used tires are generated annually.

2 billion used tires are stockpiled in America. This represents a 7 years supply of tires.

Used tires constitute 1–1.2% of the solid waste stream.

The average passenger tire weighs 20 pounds; the average truck tire weighs 100 pounds; 85% of the used tires generated are from passenger cars; 15% of the used tires generated annually are from trucks or speciality vehicles.

The annual tonnage of waste tires produced in California is 376,000 tons. The daily tonnage of tires produced in California is 1,030 tons.

Landfill tipping fees range from $.50 to $1.00 per tire: 80% of used tires are not disposed of in landfills (50% in California); however, only 30% of the used tires removed from vehicles are recycled.

Reclaimed rubber share of the rubber market dropped from a high of 32% in 1941 to about 5% today.

Average price paid to "casing jockeys" for tire removal is $.50 to $1.00 per tire; average price paid to "casing jockeys" for retreadable tires is $1.50 per tire.

Retreading requires only 30% of the energy needed to produce a new tire.

Retreading accounted for only 12% of tire sales in 1985.

Combined current retread capacity in the United States is underutilized by 15 to 25 million tires per year.

Recycling creates six times as many jobs as landfilling does.

USED NEWSPRINT

Of the almost 14,000,000 tons of newsprint produced in North America 9,486,000 tons are dumped in landfills.

At an average tipping fee of $26.90/ton it costs America over $255,000,000 annually to dispose of used newsprint.

14,000,000 tons of newsprint used in America means that 238,000,000 trees are cut down every year.

THE PROBLEM

Every ton of used newsprint sent to a landfill consumes three cubic yards of space. Since EPA has estimated that by 1991 almost fifty percent of the landfills in America will be closed, wasting landfill space is something that we can ill afford to do. Every year Americans dispose of over 9,486,000 tons of newsprint. Dumped newsprint takes up 28,458,000 cubic yards of critically needed landfill space.

Americans have responded in unprecedented numbers, to the landfill crisis by collecting newspapers for recycling. However, as we all know a glut of 'recycled' newspapers exists today. Communities all over America are having to shut down their recycling programs because there is no market for their product. Eleven hundred communities currently separate newspapers with the intention of having them recycled. However, recycling doesn't end at the curb. Recycled garbage is still garbage if there is no one to buy the product. Estimates are that American communities will lose over $100 million this year alone because of lost revenue from recycling programs.

When the newspapers are collected, they are a resource. However, they are not 'recycled' until they are put back into commerce. Because of the existence of excess collected newspapers, the bottom has fallen out of the market.

THE SOLUTION

It is essential that the market for recycled fiber newsprint be augmented in order to manage the current excess in newsprint collected for recycling. The Newsprint Recycling Incentives Act will turn this situation around. The approach is simple, and very similar to the approach for used oil recycling included in the Consumer Products Recovery Act.

The newsprint manufacturer will be required to produce a certain percentage of product with recycled fiber content. Understanding that current manufacturing plants are at capacity in terms of how much recycled fiber they can use, the Newsprint Recycling Incentives Act has been designed so that the manufacturer will have an incentive to increase capacity.

The recycling requirement will be set (by the Adminstrator of EPA) at a rate only two

percentage points higher than the current recycling rate. The rate will then increase an additional two percent a year for the next ten years. If a manufacturer does not have the capacity to use recycled fibers, that manufacturer will be allowed to purchase "recycling credits" from those manufacturers with excess capacity. As a result of this program, those manufacturers who use recycled fibers will have more funds (from the sale of credits) to allow them to increase their use of recycled fibers or to lower the cost of the newsprint containing recycled fibers. By stimulating the demand for the recycled product the demand for collected newsprint will increase.

The Newsprint Recycling Incentives Act would put into place a fair and equitable system and it will help relieve the landfill burden in America. It doesn't place an undue hardship on the newspapers since they only account for 75 percent of the newsprint consumed. Also the program will be easy to administer because there are only 62 plants producing newsprint in North America.

The approach of the Newsprint Recycling Incentives Act is sensible and it will create an economic incentive to increase recycling in the newsprint industry where none currently exists.

HOW NEWSPRINT IS RECYCLED

1. Newsprint is brought in on trucks and unloaded onto the floor. A bulldozer pushes them onto a conveyor which drops them into the pulper.

2. In the pulper, paper is immersed in water and torn apart by rotating steel blades. Chemicals are added to dissolve ink. Water and fiber solution (called "slurry") is now about one percent fiber.

3. Slurry is pumped into continuous pulper, where debris is screened out. The slurry is then moved into a reservoir for intermediate and fine screening. It then goes to three-stage washer where ink is suspended in water and drained away to waste treatment plant.

4. Fiber slurry is formed into paper. It is sprayed between two fabric belts, which remove water. Paper moves in a continuous sheet at 35 mph. At this point, paper is 17 percent fiber.

5. Paper goes to the presser. Steel rollers squeeze the paper, which is held by blanket-like belts, three times. Paper is now 42 percent fiber.

6. Paper crosses unsupported to the dryer, where belt carries it around heated cans, each six feet in diameter. Dryer temperature is 250 °F. Paper is smoothed between steel rollers during the last phase of drying. Paper is 92 percent fiber.

7. Paper is smoothed again outside the dryer and wound onto large reels.

8. Large reels go to the winder, which cuts the paper into various widths and winds it onto cardboard tubes.

9. Rolls of paper are passed down by elevator to conveyor belts to be wrapped, bar coded, crimped and stacked. Electronic eyes activate kickers that push the rolls to proper storage areas.

10. Rolls of paper are loaded for delivery by truck or rail. The recycling process takes about two hours. In 1988, 13,986,000 tons of newsprint were consumed in the U.S. Of that, about 4,500,000 tons, or 33 percent was reclaimed.

THE LEAD BATTERY RECYCLING INCENTIVES ACT

THE ISSUE

Americans use up more than seventy million lead-acid batteries each year. Even though we can readily recycle all of these batteries, we unwisely discard at least twenty-three million batteries into landfills, incinerators and along the side of the road. These batteries are then replaced by new batteries that are essential to start our cars, truck, boats and farm equipment. The millions of batteries that we throw away means that every year society faces exposure to more than 400 million pounds of lead. Each subsequent year at least another 400 million pounds of lead is added to the environment, further increasing our cumulative exposure. The lead which is not recycled becomes a health and environmental nightmare.

We do not have a system in place to make sure that the lead from used batteries does not pollute the environment.

Technology has not yet evolved to the point where we can replace the use of lead in storage batteries. For the foreseeable future lead will be the main ingredient of every battery on the road. However, because lead is highly toxic, a system must be developed that will facilitate and guarantee the proper handling, storage, recycling, and, when necessary, the ultimate disposal of lead. Whatever system is developed it must be both economically and technologically efficient, as well as environmentally sound. The Lead Battery Recycling Incentives Act is such a system.

THE PROBLEM

Lead is a fact of life in our society. Lead has had a wide variety of uses: as an additive in paints and pigments (for example in plastics manufacturing), as a gasoline additive, as part of ammunition, as lead shielding for nuclear medicine and x-ray operations and as an energy storage system in lead-acid batteries.

Since its widespread use began decades ago, millions of tons of lead have been added to a long list of consumer and industrial products. The lead from these products has been dispersed throughout the environment. Because of its harmful effects, the lead in some products has been eliminated, particularly when substitutes are available.

Lead is an element of nature that can neither be artificially created nor destroyed. Even in very small doses lead is highly toxic.

Lead exposure is both widespread and insidious. Chronic low-level lead exposure is considered to be more dangerous than acute, immediate, treatable exposure. Lead exposure is especially a problem for children during their developmental years. The Centers for Disease Control have estimated that 12 million children are exposed to lead in paint each year because 52 percent of all residential homes still have paint containing lead in concentrations higher than that considered safe. Additionally, ten million children are exposed to lead in drinking water. When batteries are disposed with municipal trash, they either go to a landfill where the lead can leach into groundwater or they go to an incinerator where some of the lead goes up the stack and the rest is concentrated in the ash where it can leach lead into the groundwater. Additionally, lead can leach into drinking water from lead solder in pipes.

A Panel of Experts from the Centers for Disease Control recently estimated that children under the age of six, who are simply exposed to lead dust, are seven times more likely to drop out of high school than those not exposed to the dust. The Environmental Protection Agency (EPA) has estimated that 32 percent of the 8.1 thousand metric tons of lead emitted into the air in the United States in 1987 came from municipal waste incineration of lead acid batteries.

Lead exposure can lead to severe damage to the central nervous system. Lead accumulates in the body tissues and, especially in children, can result in inhibited muscular coordination, damage to the peripheral nervous system, brain damage, mental retardation, loss of hearing, and, in its most severe forms, seizures and ultimately, death.

Because of the pervasive and long-lasting effects of lead, a recent report by the Environmental Defense Fund identified a "nationwide epidemic of low-level lead poisoning, an epidemic that is causing permanent neurologic damage to millions of American children."

The threat to human health from lead has been known for many years. As a result, some efforts have been made to reduce the amount of lead used in society. Lead has been almost completely phased out of use in gasoline. Additionally, since 1977 lead has been banned for most paint uses. However, in spite of these efforts, human exposure to lead in the environment is still significant.

Seventy-eight percent of lead used today is in lead acid storage batteries. Research efforts to eliminate lead from storage batteries have, so far, proven unsuccessful and uneconomical.

Western world consumption of lead has fallen slightly from 4.2 million tons in 1979 to below 4.0 million tons in 1984. This decrease has been because of the phase-out of lead in gasoline and the ban in paint, as well as the fact that less lead is used per battery today. In spite of the fact that manufacturers have generally been able to achieve a more powerful battery using less lead—however, because of the increase in the number of cars on the roads more batteries are currently in use.

Our dependency on the storage battery, coupled with our need to protect human health and the environment, requires that we manage very carefully the large amount of lead that we introduce into society. Since lead is a highly recyclable commodity, recycling would seem like an easy task, but it isn't. Recycling is expensive and environmental and health factors do not drive the market.

The single most determining factor in whether to recycle lead is the price of virgin lead. As the price of virgin lead rises, it becomes more economically attractive to recycle lead. Alternatively, as the price of virgin lead falls, the economics of lead recycling becomes less and less attractive. A graph is provided that dramatically illustrates the strong correlation between the price of lead and the rate of recycling.

THE LIFE CYCLE OF A BATTERY

Production

Automobile and marine storage batteries consist of three major components: (1) The case, generally made of plastic, (2) lead plates, both positively and negative charged, (3) and sulfuric acid.

Lead used in batteries is either from primary or secondary sources. Primary lead is refined from galena ore taken from mines. The original mining, smelting and beneficiation results in a significant amount of solid waste as well as a significant amount of water pollution.

Secondary lead is produced from new and old lead scrap. New scrap is waste lead generated prior to consumer consumption. New scrap is generated in the process of refining, casting, or fabricating leaded materials. Old scrap is generally post-consumer waste. Over 75% of old scrap lead comes from recycled auto batteries.

Over seventy million spent lead acid batteries are generated annually in the United

States. They contain 1,250,000,000 pounds of toxic lead and at least 70,000,000 gallons of highly corrosive sulfuric acid-tainted with lead particles.

Battery Recycling

When a battery completes its useful life, generally within three to five years, the customer typically returns the spent battery to a service station, battery dealer, or mass merchandiser. The customer, quite naturally expects a discount on the purchase of a replacement battery. In the past, the discount (or credit on the purchase of a new battery) has been as high as four or five dollars per battery. In the mid-1980s the discount slipped to a low of twenty-five cents. In some areas of the United States during 1985-86, customers had to pay a battery disposal fee of approximately fifty cents. The drop in the value of the spent battery was the direct result of a drop in the price of virgin lead. While the price of virgin lead was cheaper for the battery manufacturer to purchase, the recycler still had to pay the same operaing costs. Essentially, during this period, it was cheaper to mine new lead than to transport and resmelt old batteries. Consequently, a number of battery recyclers closed. Simultaneously many landfills and municipal waste incinerators stopped accepting lead acid batteries, further driving up the cost of disposing of lead batteries.

In the years 1988 thru 1990, the price of lead has rebounded and the recycling rate has somewhat increased from the wholly unacceptable levels of 1985-1986. As a result some retailers are again willing to accept batteries from the do-it-yourselfer.

The batteries collected by the merchandiser are transported to a wholesaler or in some rare cases, directly to a "battery breaker" who crushes and separates the lead from other battery components. The question as to who pays to transport the collected batteries depends on the price of virgin lead. If the price of virgin lead is high, collected batteries will be in high demand, and, therefore, the secondary smelters will be willing to pay the transportation costs. However, if the price of virgin lead is low, it is unlikely that the secondary smelters will be able to pay the high cost of transporting the batteries.

In the best of all possible worlds, the price of resmelted lead should cover the transportation costs. However, in cases where the merchandiser, because of the low price of virgin and secondary lead, is forced to pay for transporting the batteries, the merchandiser may turn to a less than legitimate transporter who may dump the unwanted batteries on the side of the road rather than pay for legitimate disposal. Similarly, transporters may chose to stockpile the batteries, rather than absorb the relatively higher transportation costs. At least twenty five sites on the National Priority List of Superfund are related to battery collection and recycling.

Many batteries are also collected by scrap dealers and auto dismantlers when cars are removed from service. These independent small business people provide an essential service of collecting the discarded batteries and making them available for recycling.

The recycling system works best in the case of large mass merchandisers who often have a contract with the battery distributor to "blackhaul" a certain number of spent batteries for each shipment of new batteries. With such an arrangement the trucker travels between the manufacturing warehouse, the battery retailer and the battery breaker or secondary smelter. If the secondary smelter has a contract with a battery manufacturer, the resmelted lead scrap can then be delivered to the battery manufacturer, thus completing the cycle and closing the loop.

BATTERY RECYCLING ECONOMICS

The secondary lead industry operates on a very small profit margin. The point was made earlier, and bears re-emphasizing, that the secondary lead industry rises or falls with the price of virgin lead. If the price of virgin lead falls below a certain point, resmelted lead cannot compete.

Historically, there has been significant shrinkage in the number of batteries recycled during the years when the price of lead was low. But the recycling rate has flucuated wildly over the years. Battery recycling rates ranged from 83 percent in 1960 to 96 percent in 1965 and then down to 70 percent in 1976. The battery recycling rate rose again in 1980 to a high of 83 percent but then began to fall again and reached an all time low of 61 percent in 1983.

Because of increases in the number of vehicles on the road, the total amount of batteries sold increases annually. The number of batteries and lead "exiting the recycling chain" increases 5 percent annually. EPA has estimated that lead discarded in batteries increased 64 percent between 1970 and 1986. EPA projects a further increase of 31 percent by the year 2000. It is estimated that during the early 1960s an average of 8 million batteries a year were not recycled. By the mid 1980s, more than 20 million batteries per year were exiting the system (please see chart on page eleven of this report).

A 70 percent battery recycling rate may seem high compared to 54 percent recycling rate for aluminum, 21 percent for glass, and less than one percent for plastics. But a 70 percent recycling rate for batteries means that more than 20 million batteries are not recycled every year. A 70 percent recycling rate means the annual release of over 400 million tons of lead into the environment.

According to the 1987 Putnam, Hayes and Bartlett report for the Environmental Protection Agency, the increased in lead prices from levels of about 20 cents per pound in the mid 1980s, to levels of about 40 cents per pound in the late 1980s, may have stimulated recycling efforts in the short run. But the report also suggests that structural changes in the recycling industry, brought about by a combination of economic and regulatory factors, has limited the ability of the recycling industry to respond to higher prices. In 1981 the secondary lead industry had the capacity to recycle approximately 1.2 million tons of lead. By 1986 the recycling capacity had been reduced to slightly more than 700,000 tons, only about 2/3 of which were actually operational. Sixty percent of the secondary smelters operating in the U.S. in 1982 were out of business by 1986 (see attached map). In addition, the effects of these structural changes are particularly acute in certain regions of the country such as the Northwest where the last remaining secondary smelters have closed. For example, batteries entering the recycling stream in the states of Washington and Oregon have to travel hundreds of miles to the closest secondary smelter in Southern California.

Keeping in mind the historical response of the battery recycling rate to increases and decreases in the price of virgin lead, it is essential that a fail-safe system be developed to guarantee that an acceptable level of recycling occurs, no matter how high or how low the price of virgin lead. The recycling credit concept, as explained below, constitutes such a system. The credit concept would guarantee an initially high lead battery recycling rate and the recycling rate would continue to increase every year. As a result, our exposure to lead would no longer be driven by supply and demand for virgin lead ore.

THE LEAD BATTERY RECYCLING INCENTIVES ACT

Right now, market forces dictate recycling rates. And yet, landfill capacity is decreasing and the number of Superfund sites is increasing. Such an incongruity is not only foolish, but a waste of valuable energy and natural resources. The Lead Battery Recycling Incentives Act will use the forces of the market to work for, rather than against environmental protection. The Lead Battery Recycling Incentives Act will create a balance in the system to ensure that battery recycling occurs even if the price of lead falls.

The Lead Battery Recycling Incentives Act will require the manufacture to produce batteries with a specified percentage of recycled lead. The recycled percentage will begin at a rate two percentage points higher than the current rate of recycling. The mandatory recycling rate will increased over the next ten years to a level of at least 95 percent.

For every ton of reclaimed lead used by a battery manufacturer in excess of the amount required by the law, the manufacturer will be entitled to sell a "lead recycling credit" to those who produce batteries will less than the specified rate of reclaimed lead.

The percentage of recycled lead that must be used is set, but not the price of credit. The manufacturer who sells the credit will be able earn whatever he can for the credit.

The effect of the recycling credit system is to put more money in the hands of those producing batteries with the higher percentage of recycled lead. As the price of virgin lead falls, the manufacturer with the higher recycled lead content is cushioned from the relative high cost of recycled lead. Over time, the recycled lead content rate will stabilize among all manfacturers.

Since the credits are valuable, the manfacturer has an incentive to expand his operations in order to create as many credits as he thinks he can possibly sell. The sale of these credits will enable to price of the resmelted lead to remain competitive with the price of virgin lead even if the price of virgin lead falls precipitously.

To remove, as much as possible, the incidence of spent batteries being simply "tossed out" or being stockpiled, the battery hauler will be required to obtain a registration number from the Environmental Protection Agency. The hauler will provide a simple receipt to the retailer or battery collector when the spent batteries are picked up. The hauler will be required to provide a copy of the receipt to the "battery breaker" or secondary smelter. A relatively simple "paper trail" will follow the batteries from the time they leave the retail establishment to the time the reclaimed lead is delivered to the battery manufacturer. The receipt, while not a formal hazardous waste manifest, will allow EPA to keep track of how many batteries are available for recycling and where they are within the system, discouraging stockpiling of potentially recyclable batteries.

Mr. WIRTH. Some years ago, Mr. President, the distinguished senior Senator from Pennsylvania [Mr. HEINZ] and I, introduced a major new study on using market incentives on environmental issues. That was called Project '88: How might we think smarter and

differently about the environmental problems that we face?

For many, many years we have followed a sort of command and control approach to environmental issues, regulations, or laws being issued by the EPA or the Congress to affect everybody in the country in equal fashion. In many ways, this was a very inefficient strategy, Mr. President. It did not recognize differences among utilities, for example; differences in different areas of the country; it did not recognize the fact that there are also great efficiencies to be brought about if we are able to better use the marketplace.

Project '88 was revolutionary when we introduced it 2½ years ago. People had not heard of this kind of approach. It had been thought about by some environmental groups like the Environmental Defense Fund, but it really had not received very broad currency.

Two years ago, the administration picked up the theme of Project '88, using market incentives, and that became a major part of the Clean Air Act, particularly that part of the Clean Air Act related to acid rain emissions, setting up a permit system for emissions in the acid rain section of the clean air bill.

The President mentioned Project '88, mentioned this approach, and now the notion of market incentives is beginning to move into a whole series of initiatives focused on environmental issues.

Today we are picking up on that, Senator HEINZ and I, introducing four pieces of legislation, one focused on the need to recycle oil. We are currently using an enormous amount of oil in our society, as we all know. And we dump, after we change the crank cases, about the equivalent of 35 *Exxon Valdezes* illegally in the United States each year. This is going into water systems, sewage systems, despoiling the land, and so on. This is a resource that is 100 percent recyclable; yet we recycle only a very small percentage.

The legislation we are introducing develops an economic incentive approach whereby those who are dealing with recycled oil can make money in the process. We start using a 30-percent level for oil recycling, and move up from there.

A second piece of legislation, Mr. President, relates to newspaper recycling. We currently use about 84 million tons of paper a year in the United States. About 14 million tons of that is newsprint. Newsprint, as well, is a resource that is recyclable, but very little of the overall paper products in the United States is recovered. Only about 14 percent of the newsprint is recycled.

This second piece of legislation focuses on newspaper recycling, setting up a market system whereby those who are producing newsprint or those who are importing newsprint from abroad will be able to develop a market whereby they can, in fact, make money out of used newspapers. It does not do any good to collect our papers on Friday morning, put them on the front step, and because there is no market for those used newspapers, have them go into exactly the same landfill they would normally go into if mixed together with the rest of the garbage.

We have to figure out how to recycle newspapers. This will be, I think, a very good incentive step in the right direction.

A third bill relates to tires. We throw away a tire for every man, woman, and child in the United States every year. There is an enormous amount of oil in these tires. There is also a great number of uses for them in a whole variety of other ways. Yet, there is no market at this point for recycled tires. Our third piece of legislation sets up a mechanism for developing a market for tires.

The fourth piece of legislation we are introducing today, Mr. President, relates to lead acid batteries. Some 400 million pounds of lead are introduced into the environment in the United States every year; a very, very toxic material, as we all know. Some of those lead acid batteries are recycled; somewhere between 60 and 80 percent, depending on the year.

The legislation we are offering picks up on that good record of recycling of lead acid batteries and increases that sharply.

This is a further extension of Project '88, Mr. President. We will be making further statements on that project, Senator HEINZ and I. We plan in about April or maybe early May to introduce Project '88, phase II, which will focus on three very large issues: One, broadly recycling; second, global warming; and third, the administration of the public lands, believing that in each one of those areas market incentives and good economics can make some very significant changes.

So I am pleased to introduce those 4 pieces of legislation. I believe Senator HEINZ, the distinguished senior Senator from Pennsylvania, spoke on those earlier today.

By Mr. SYMMS (for himself, Mr. MOYNIHAN, Mr. BURNS, Mr. CRAIG, Mr. GORTON, and Mr. GARN):

S. 400. A bill to set aside tax revenues collected on recreational fuels not used on highways for the purposes of improving and maintaining recreational trails; to the Committee on Environment and Public Works.

NATIONAL RECREATIONAL TRAILS FUND ACT

Mr. SYMMS. Mr. President, today, several of my Senate colleagues and I are introducing the National Recreational Trails Fund Act of 1991. This is a bill to construct, maintain, improve the safety and environmental soundness of recreational trails across the country.

Recreational trails provide millions of Americans with an opportunity to get out and enjoy nature. These trails do more than just provide access from point A to point B. There is an old saying that "half the fun is in getting there." For many of the scenic areas of our country, that saying is exactly the case. It doesn't matter whether you are just taking a leisurely stroll, pedalling as fast as you can, or wisking by on your snowmobile, the trails we use are a critical part of almost all of our outdoor recreational enjoyment.

Unfortunately, trail construction and maintenance is costly, and far too often, is neglected at the expense of the safety and environmental soundness of the recreational experience.

In Idaho, in particular, where the vast majority of trails are on U.S. Government land, Federal land management agencies have underfunded the upkeep and maintenance of recreational trails.

When a trail is either poorly maintained, or perhaps never constructed properly in the first place, everyone suffers—access to certain areas becomes more difficult—and often for the handicapped it becomes impossible, the scenic beauty of the area is harder to enjoy, the likelihood of an accident on the trail increases, as does the incidence of erosion, trampling of vegetation, and general environmental degradation.

That is why we have introduced the National Recreational Trails Fund Act of 1991. This bill employs the same principle that currently guides the building and maintenance of our roads and highways. Motorists in America pay 14 cents for every gallon of gas they use on the highway. That money is then dedicated to the construction, upkeep, maintenance, and safety of those highways. It is my belief that the Federal Government owes it to the people of America to fully employ those funds to this dedicated purpose. The esconcing of those funds so as to hide a portion of the Federal deficit is an irresponsible policy and Congress should not allow it—but that is another debate.

A portion of the highway trust fund comes from gasoline purchased for recreational use not occurring on highways. This revenue does not actually belong in the highway trust fund, and is partially refundable. For farmers and contractors who actually have significant fuel costs off-highway, this refund is essential and is used often. For the recreational fuel user, however, the refund mechanism is impractical, since it often amounts to little more than a few dollars per person per year. Consequently, most recreationalists do not collect their refund, and their taxes are among those used to mask the deficit.

The bill we are introducing today eliminates the refundability of fuel use taxes paid by trail recreationalists, dedicating it instead to a more honest use than the hiding of our Federal largess: the construction, maintenance, and upkeep of recreational trails.

The money is deposited into a national recreational trails fund. The bill also establishes a Trails Advisory Board to help define appropriate grant projects, and to advise the Federal Government on ways to better coordinate trail usage and Federal land management policies. We have gone through an extensive redrafting of the bill this year to ensure that the fund will benefit all trail users, motorized and nonmotorized alike.

My friend from Wisconsin, Mr. PETRI, is also introducing an identical bill in the other body. I have high hopes that we will see the bill become law yet this year.

Mr. President, I ask consent for the bill and a statement on it by the organization American Trails be included in the RECORD immediately following my remarks.

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

S. 400

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recreational Trails Fund Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Highway Trust Fund has successfully and equitably provided the means for improvements in and maintenance of the nation's highway infrastructure, such success being largely attributable to the Fund's "user-fee" structure, that being the directly proportionate relationship between the amount of highway use (as measured in fuel consumption) and the amount each user pays into the Fund;

(2) the 'user-fee' concept requires that non-highway fuels not be taxed to pay for highway benefits, a noticeable deviation from this policy being the taxation of recreational fuel not used on Federal highways.

(3) like highways, the national infrastructure of recreational trails and back country terrain must be constructed and maintained, but such construction and maintenance has historically received less than adequate funding;

(4) efforts to more perfectly apply a "user-fee" concept to the financing and maintenance of a national infrastructure, both on highways, and for recreational purposes off the highway, will likely enhance the success of both endeavors; and

(5) it is both equitable and prudent, for safety, environmental protection, and recreational reasons, to assure availability of financial means to maintain and improve recreational trails and back country terrain by reserving for those purposes a portion of fuel use taxes imposed on fuels for recreational use not occurring on Federal highways.

SEC. 3. CREATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL RECREATIONAL TRAILS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Recreational Trails Trust Fund', consisting of such amounts as may be appropriated, credited, or paid to it as provided in this section, section 9503(c)(5), or section 9602(b).

"(b) EXPENDITURES FROM TRUST FUND.—Amounts in the National Recreational Trails Trust Fund shall be available for making expenditures to carry out the purposes of the National Recreational Trails Fund Act of 1991."

(b) DEPOSIT OF UNREFUNDED HIGHWAY TRUST FUND MONIES.—Section 9503(c) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) by adding at the end thereof the following new paragraph:

"(5) TRANSFERS FROM THE TRUST FUND FOR NON-HIGHWAY RECREATIONAL FUEL TAXES.—

"(A) TRANSFER TO NATIONAL RECREATIONAL TRAILS TRUST FUND.—The Secretary shall annually pay from the Highway Trust Fund into the National Recreational Trails Trust Fund amounts (as determined by the Secretary) equivalent to .5% of total Highway Trust Fund receipts, as adjusted by Secretary pursuant to subparagraph (B).

"(B) ADJUSTMENT OF PERCENTAGE.—

"(i) IN GENERAL.—Not more frequently than once every 3 years, the Secretary may increase or decrease the percentage of Highway Trust Fund receipts paid into the National Recreational Trails Trust Fund to more accurately reflect, in the Secretary's estimation, revenues received from non-highway recreational fuel taxes.

"(ii) AMOUNT OF ADJUSTMENT.—The amount of an adjustment in the percentage stated in clause (i) shall be not more than 10 percent of that percentage in effect at the time the adjustment is made.

"(iii) USE OF DATA.—The Secretary shall make use of data on off-highway recreational vehicle registrations and use in making an adjustment under clause (i).

"(C) DEFINITIONS.—For the purposes of this paragraph—

"(i) NON-HIGHWAY RECREATIONAL FUEL TAXES.—The term 'non-highway recreational fuel taxes' means the taxes under sections 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to fuel used as non-highway recreational fuel.

"(ii) NON-HIGHWAY RECREATIONAL FUEL.—The term 'non-highway recreational fuel' means—

"(I) fuel used in vehicles and equipment on recreational trails or back country terrain, including use in vehicles registered for highway use when used on recreational trails or back country terrain; and

"(11) fuel used in campstoves and other outdoor recreational equipment."; and

(2) by striking paragraph (2)(C) and inserting the following:

"(C) EXCEPTION FOR USE IN AIRCRAFT AND MOTORBOATS, AND ON RECREATIONAL TRAILS, ETC.—The paragraph shall not apply to amounts estimated by the Secretary as attributable to—

"(i) use of gasoline and special fuels in motorboats or in aircraft, and

"(ii) use of gasoline as non-highway recreational fuel as defined in paragraph (5)(B)(ii).".

(c) CONFORMING AMENDMENT.—Section 6521(e)(2) of the Internal Revenue Code of 1986 (defining off-highway business use) is amended by adding at the end thereof the following new subparagraph:

"(C) EXCEPTION FOR USE ON RECREATIONAL TRAILS. ETC.—The term 'off-highway business use' does not include any use as nonhighway recreational fuel as defined in section 9503(c)(5)(B)(ii).".

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9511, National Recreational Trails Trust Fund.".

SEC. 4. NATIONAL RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—The Secretary, using amounts available in the Fund, shall administer a program allocating monies to the States for the purposes of providing and maintaining recreational trails.

(b) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive monies under this Act if such State's application proposes to use the monies as provided in subsection (d).

(2) PERMANENT PROVISION.—On and after the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive monies under this Act if—

(A) the State has established a State Recreational Trails Advisory Board on which both motorized and non-motorized recreational trail users are represented;

(B) in the case of a State that imposes a tax on non-highway recreational fuel, the State by law reserves the revenues from that tax for use in construction and maintaining recreational trails; and

(C) the Governor of the State has designated the State official who will be responsible for administering monies received under this Act; and

(D) the State's application proposes to use monies received under this Act as provided in subsection (d).

(c) ALLOCATION OF MONIES IN THE FUND.—

(1) ADMINISTRATIVE COSTS.—No more than 3 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for monies under this Act;

(B) paying expenses of the National Recreational Trails Advisory Committee; and

(C) conducting national surveys of non-highway recreational fuel consumption by State, for use in making determinations and estimations pursuant to this Act.

(2) ALLOCATION TO STATES.—

(A) AMOUNT.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(i) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

(ii) AMOUNTS PROPORTIONATE TO NON-HIGHWAY RECREATIONAL FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of non-highway recreational fuel use during the preceding year in each such State, respectively.

(b) USE OF DATA.—In determining amounts of non-highway recreational fuel use for the purpose of paragraph (A), the Secretary may

consider data on off-highway vehicle registrations in each State.

(d) USE OF ALLOCATED MONIES.—

(1) PERMISSIBLE USES.—A State may use monies received under this Act for—

(A) maintenance of existing recreational trails, including the grooming and maintenance of trails across snow,

(B) restoration of areas damaged by usage of recreational trails and back country terrain;

(C) construction of new trails where a recreational need for such construction is shown;

(D) acquisition of easements;

(E) acquisition of fee simple title to property from a willing seller, when the objective of the acqusition cannot be accomplished by acquisition of an easement or by other means;

(F) development of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(G) in an amount not exceeding 5 percent of the amount of monies received by the State, operation of environmental protection and safety education programs relating to the use of recreational trails;

(H) development of urban trail linkages near homes and workplaces; and

(I) in an amount not exceeding 7 percent of the amount of monies received by the State, administration expenses of the State.

(2) USE NOT PERMITTED.—A State may not use monies received under this Act for condemnation of any kind of interest in property.

(3) GRANTS.—

(A) IN GENERAL.—A State may provide monies received under this Act as grants to private individuals, organizations, city and county governments, and other government entities as approved by the State's Recreational Trail Advisory Board, for uses consistent with this section.

(B) COMPLIANCE.—A State that issues such grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant monies.

(4) BALANCE OF MOTORIZED AND NON-MOTORIZED BENEFITS.—Not less than 30 percent of the monies received annually by a State under this Act shall be expended for benefits directed to motorized recreation, and not less than 30 percent of those monies shall be expended for benefits directed to non-motorized recreation.

(5) DIVERSIFIED TRAIL USE.—

(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend not less than 40 percent of monies received under this Act in a manner that gives preference to project proposals which—

(i) provide for the greatest number of recreational purposes including, but not limited to, those described under the definition of "recreational trail" in subsection (g)(5); and

(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

(B) COMPLIANCE.—The determination as to whether a project or grant meets the requirements of subparagraph (A) shall be made by the State Recreational Trail Advisory Board.

(6) RETURN OF MONIES NOT EXPENDED.—Monies paid to a State that are not expended or dedicated to a specific project within 2 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (c).

(e) COORDINATION OF ACTIVITIES.—

(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this Act is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (d). Nothing in this Act diminishes or in any way alters the land management responsibilities, plans and policies established by such agencies pursuant to other applicable statutes.

(2) COOPERATION BY PRIVATE PERSONS.—

(A) WRITTEN ASSURANCES.—As a condition to making available monies for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(B) PUBLIC ACCESS.—Any use of a State's allocated monies on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those monies.

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE STATE.—The term "eligible state" means a State that meets the requirements stated in subsection (b).

(2) FUND.—The term "Fund" means the National Recreational Trails Fund established by section 9511 of the Internal Revenue Code of 1986.

(3) NON-HIGHWAY RECREATIONAL FUEL.—The term "non-highway recreational fuel" has the meaning stated in section 9503(c)(5)(B)(ii) of the Internal Revenue Code of 1986.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) RECREATIONAL TRAIL.—The term "recreational trail" means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, surface water and underwater activities, and vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a "National Recreation Trail" designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 5. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE

(a) ESTABLISHMENT.—There is established the National Recreational Trails Advisory Committee.

(b) MEMBERS.—There shall be 9 members of the advisory committee. 8 appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail uses:

(1) Hiking.
(2) Cross country skiing.
(3) Off-highway motorcycling.
(4) Snowmobiling.
(5) Horseback riding.
(6) All terrain vehicle riding.
(7) Bicycling.
(8) Four-wheel driving.

In addition, the Secretary or an appropriate government official designated by the Secretary shall be a member of the advisory committee.

(c) CHAIRMAN.—The chairman of the advisory committee shall be the government official referenced in subsection (b), who shall serve as a non-voting member.

(d) TERMS.—The non-governmental members of the advisory committee shall be appointed for terms of 3 years, except that the members filling four of the eight positions shall be initially appointed for terms of 2 years, with subsequent appointments to those positions extending for terms of 3 years.

(e) DUTIES.—The advisory committee shall meet at least twice annually to—

(1) review utilization of allocated monies by States;

(2) establish and review criteria for trail-side and trail-head facilities that qualify for funding under this Act; and

(3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this Act.

(f) ANNUAL REPORT.—The advisory committee shall present to the Secretary an annual report on its activities.

(g) REIMBURSEMENT FOR EXPENSES.—Non-governmental members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 4(c)(1)(C), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

A STATEMENT IN SUPPORT OF THE NATIONAL RECREATIONAL TRAILS FUND ACT 1991

(By Charles A. Flink II, Chaiman of the Board, American Trails)

American Trails is a non-profit organization, based in Washington DC, that represents the interests of all trail users, both motorized and non-motorized, nationwide. We are the only national trails organization that represents this challenging and critically needed purpose. Our mission is threefold: one, to provide a forum for the exchange of ideas and innovation regarding the planning, design and development of trail resources; two, to present a unified voice on issues that are of concern to trail planners, managers and users; and three, to combine the varied resources of our membership to promote safe, environmentally sound and enjoyable trail resources for all Americans.

American Trails concludes that there are five major issues that currently affect our nation's trail resources. First and foremost, there has been a tremendous increase, during the past thirty years, in the demand for trails in the United States, and at the same time the supply of adequate trail resources has been decreasing. Second, since the inception of the National Trails System Act in 1968, the United States has not provided a dedicated source of funding for the acquisition, development and maintenance of trail resources. Third, in light of unprecedented trail use in the United States, and coupled with increased urbanization of the American landscape, multiple use of limited trail resources has resulted in conflicts between trail users groups. Fourth, trails are too often viewed only as recreational amenities and not as an essential component of our nation's infrastructure. Fifth, we realize that the US population continues to grow at the rate of approximately 2.2 million people each year. Projections indicate that by the year 2000 more than 80% of all Americans will live within urban areas. We strongly believe that trails can protect and insure the quality of life that many Americans have enjoyed in the past, and should have the right to enjoy in the future.

American Trails has given careful consideration to the proposed National Rec-

reational Trails Fund Act, and expresses its full support of this legislation. We support the creation of a dedicated source of funding for maintenance and repair of existing trail resources and for the development of new trail resources for motorized and non-motorized users. We feel that since trail users pay into the recreational fuel use tax program, a portion of that money should be used to improve trail resources in all parts of the United States.

We support the fact that this legislation encourages responsible trail development, and most importantly the protection of the environment in the design and development of new trail resources. We support the acquisition of public access easements, and in some cases additional land from willing sellers, to provide adequate protection of existing trail corridors and to ensure the expansion of our national system of trails. We support the need to develop trail side facilities to provide basic services to trail users and improve the quality of the trail experience.

We support and are encouraged that this legislation provides for the development of urban trail linkages, which we consider to be one of the most critical resource problems in the nation. One of the goals of American Trails is to insure that trail resources are provided within 15 minutes of all Americans, and this legislation represents one significant step in this direction. Finally, we support the creation of the proposed National Recreational Trails Advisory Committee, comprised of representatives from motorized and non-motorized trails organizations, to oversee the implementation of this legislation.

American Trails strongly believes that trails need to be put into a proper perspective, especially in light of the resource problems that are facing this nation. Trails should be regarded as an essential component of our national infrastructure. Trails offer all Americans a choice in alternative transportation, and an opportunity to decrease our dependence on foreign oil. Trails promote healthy lifestyles and provide urban, suburban and rural residents with environmentally sound access to the natural environment. Trails also offer realistic opportunities for economic revitalization of urban and rural communities.

American Trails is grateful to Senator Steve Symms and his staff for the thorough research, hard work and dedication that has gone into serving as the principal sponsor of this legislation. We urge all members of the 102d United States Congress to carefully examine the merits and importance of this legislation, to become better educated with regard to the benefits that trails can provide to a rapidly changing American landscape, and to enact this legislation.

By Mr. DOMENICI (for himself, Mr. DOLE, and Mr. SASSER):

S. 401. A bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals; to the Committee on Finance.

AMERICANS WITH DISABILITIES LUXURY TAX RELIEF ACT

Mr. DOMENICI. Mr. President, today I am going to send a bill to the desk and ask for its proper referral. I am delighted Senator DOLE is a cosponsor. Knowing that he is always worried about the disabled in this country, when I heard of this issue, I went to talk to him quickly, and we were putting in a bill today.

Let me tell my colleagues we made a mistake when we put the luxury tax on automobiles and other vehicles, in that we failed to exempt vehicles with improvements that might be improvised in the United States to accommodate the disabled. I think we have all seen vehicles where we have added equipment to permit those vehicles to carry our disabled in an appropriate manner, either elevators or appropriate doors or lifts. The facts are that the vehicles cost about $20,000 in our markets. That is not subject to a tax. But when you put all the things on that help that vehicle accommodate disabled Americans, it goes up to $30,000 or $31,000 or $32,000 and a 10-percent luxury tax is imposed.

That is a mistake. We clearly should not be imposing a tax on Americans who are disabled by putting a 10-percent tax on the vehicles that we in the United States have learned, through innovation and new techniques, to improve on so they serve the disabled.

This very simple little bill says in a sense, "We made a mistake," and exempts that kind of vehicles and the accessories added to it so that the 10-percent tax not be borne by the disabled.

I send the bill to the desk with a statement outlining it and ask the bill be appropriately referred.

I do thank the Independent Mobility Systems of Farmington, NM. They are the largest manufacturer on an assembly line basis of these parts and these converted vans.

They called it to our attention. Had we found out last year, we probably would have exempt them then. We did not. I thank them for calling it to our attention. I am sure we did not intend it.

When the Congress agreed to impose a 10-percent tax on the sale of luxury vehicles last year we had BMW's, Lincoln Towncars, business executives, and tycoons in mind; we did not intend to tax Americans with disabilities.

Unfortunately, we failed to exempt items that would be added to vehicles serving the disabled—such as electronic doors and ramps—from calculation of the luxury tax.

Surely, no one in this Chamber would consider any such equipment modification for the benefit of a disabled American as a luxury.

We have been pleased by the rapid improvements in technology that enable physically disadvantaged individuals greater mobility. Converted vehicles are necessary for thousands of Americans to hold jobs, visit their friends and families, and to lead more fulfilling lives.

But unless we correct this error from last year, tax law will have made that mobility more expensive, and therefore, more difficult to achieve.

Let me explain. The original cost of a van of the type used for transporting the disabled generally runs about $20,000. The cost of the conversions, however, often pushes the overall cost above the $30,000 threshold where the luxury tax kicks in.

My bill simply excludes such conversions from the calculation of the luxury tax.

The revenue impact of exempting the costs of conversion for the disabled is negligible.

America has great understanding for those among us who face the great challenge of physical disabilities. Quick action on this legislation offers a small opportunity for America to demonstrate her respect.

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 bill was ordered to be printed in the RECORD, as follows:

S. 401

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 "Americans with Disabilities Luxury Tax Relief Act."

SEC. 2. PARTS OR ACCESSORIES INSTALLED FOR USE OF PASSENGER VEHICLES BY DISABLED INDIVIDUALS EXEMPT FROM LUXURY TAX.

(a) IN GENERAL.—Paragraph (3) of section 4004(b) of the Internal Revenue Code of 1986 (relating to separate purchase of article and parts and accessories therefor) is amended—

(1) by striking "or" at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C).

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) in the case of a passenger vehicle, the part or accessory installed is necessary for the use of such vehicle by individuals with disabilities.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 11221(a) of the Omnibus Budget Reconciliation Act of 1990.

By Mr. JOHNSTON (for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. BRADLEY, Mr. NICKLES, Mr. WIRTH, Mr. BUMPERS, and Mr. WARNER):

S. 402. A bill to limit the jurisdiction of the Federal Energy Regulatory Commission over local distribution company wholesalers of natural gas for ultimate consumption as a fuel in motor vehicles; to the Committee on Energy and Natural Resources.

VEHICULAR NATURAL GAS JURISDICTION ACT

• Mr. JOHNSTON. Mr. President, on behalf of Senators WALLOP, BINGAMAN, WIRTH, DOMENICI, BUMPERS, NICKLES, BRADLEY, and WARNER, and myself, today I am introducing the Vehicular Natural Gas Jurisdiction Act of 1991, legislation to limit the Federal Energy Regulatory Commission's jurisdiction over local distribution companies en-

gaged in the sale of natural gas for automotive consumption. The bill resolves statutory ambiguities over whether local distributors' vehicular natural gas activities might cause them to lose exemptions from Federal jurisdiction under Natural Gas Act sections 1(c) and 7(f).

The recently enacted Clear Air Act Amendments of 1990 mandate an Alternate Fuels Program for fleet vehicles in 26 areas with the dirtiest air. The clean air law also mandates an Alternate Fuels Pilot Program for vehicles sold to the public in California. Natural gas is one of the alternate fuels that is likely to be used to comply with this mandate. The use of natural gas as an automotive fuel also offers an opportunity to reduce our Nation's dependence on imported oil by displacing gasoline with a fuel from a safe domestic source.

Local distribution companies—or LDC's—engaged in the retail sale of natural gas to homes, businesses, and industries are logical outlets for the sale of vehicular natural gas—or VNG. LDC's already have in place much of the local pipeline distribution infrastructure that will be needed to supply natural gas to the retail outlets that will sell VNG to motorists. It makes sense for LDC's to enter this business as the operators of VNG retail outlets, as suppliers to independently operated VNG service stations or as suppliers to central refueling facilities owned by the operators of fleet vehicles.

In order to promote the sale of natural gas as an automotive fuel, several States have passed laws to decontrol the sale and transportation of VNG. To my knowledge, the States of Louisiana, Texas, and Minnesota have passed such laws. There may well be other States that have such laws, that are considering such laws, or that may have done so by the administrative action of State public service commissions.

Under the Natural Gas Act, the regulation of the local distribution and retail sale of natural gas has been left to State and local authorities. Federal jurisdiction extends to the interstate transportation and wholesale sale—referred to in the Natural Gas Act as a "sale for resale"—of natural gas. The Congress also has carved out limited statutory exceptions which permit LDC's and pipelines to engage in certain activities that are local in character, but which occur across State lines, without triggering jurisdiction. Under Natural Gas Act section 1(c), known as the Hinshaw exemption, a pipeline or an LDC may engage in the interstate transportation or sale for resale of natural gas without triggering Federal jurisdiction so long as: First, the gas is received at or within the boundary of the State; second, all of the gas is ultimately consumed within such State; and third, the rates, services, and facilities of the person engaged in such sale for resale or transportation are "subject to regulation by a State commission." Under Natural Gas Act section 7(f), LDC's with multi-State service areas that have received a service area determination from the Federal Energy Regulatory Commission—or FERC—may transport natural gas across State lines for delivery to ultimate consumers without triggering Natural Gas Act certificate jurisdiction.

It is conceivable that the Natural Gas Act could be interpreted to extend Federal jurisdiction to an LDC's or a pipeline's VNG activities. For example, suppose that an LDC with a section 1(c) Hinshaw exemption operated or supplied a VNG retail outlet which sold VNG to a vehicle which then drove across the State line. It could be argued that the LDC was no longer entitled to its Hinshaw exemption because the VNG that it sold or transported was not "ultimately consumed" within the same State in which the LDC received the gas.

Another example might involve an LDC with a multi-State service territory which was exempt from Federal certificate jurisdiction under Natural Gas Act section 7(f). Suppose that this LDC sold VNG to a retail outlet which then resold the fuel to motorists. It could be argued that this wholesale transaction was subject to Natural Gas Act jurisdiction.

While these examples might seem farfetched, it is far better to remove the ambiguity by means of this legislation rather than permit these issues to remain unresolved. The uncertainty might deter LDC's from entering the VNG business. The legal ambiguity might offer a means for the advocates of competing alternate fuels to challenge LDCs' efforts to enter the VNG business. There is no legitimate Federal interest to be protected by the FERC exercising its Natural Gas Act jurisdiction to regulate the local distribution of VNG. In fact, in declaratory orders the FERC has disclaimed jurisdiction over VNG sales by LDC's.

This legislation removes these legal ambiguities in the following way. First, it clarifies that the section 1(c) Hinshaw exemption is fully available no matter where a motor vehicle may go after filling up with VNG. The statutory assumption is that the VNG is "ultimately consumed" at the pump. Second, it clarifies that multi-State LDC's exempt from Natural Gas Act certificate jurisdiction under section 7(f) would not trigger sale for resale jurisdiction on account of sales to VNG retail outlets. Third, the legislation clarifies that the section 7(f) exemption from Natural Gas Act certificate jurisdiction remains intact even if VNG is consumed outside the service area on account of where a motor vehicle drives after filling up with VNG.

Another issue addressed by this legislation involves the Commission's interpretation of "subject to regulation by a State commission" requirement that is part of the Hinshaw exemption under Natural Gas Act section 1(c). The FERC has interpreted this statutory requirement to mean that a State's regulation of a pipeline or LDC must be at least as expansive as Federal regulation under the Natural Gas Act. In other words, under the FERC's interpretation of section 1(c), the State must at a minimum regulate the rates, services, and facilities for the sale for resale and transportation of natural gas.

Consequently, in a case where a State by law or regulation decontrols the sale for resale or transportation of VNG, the FERC might find that this had created a regulatory gap and that, as a result, the "subject to regulation by a State commission" requirement of section 1(c) would not be satisfied. If this were to occur, the LDC or pipeline would lose its Hinshaw exemption from Natural Gas Act jurisdiction and the FERC would likely close that gap by asserting jurisdiction over the LDC's or pipeline's rates, services, and facilities used for the sale for resale or transportation of natural gas in interstate commerce.

This result would run contrary to the very purposes of the Vehicular Natural Gas Jurisdiction Act. The appropriate response is for the Congress to say that in this instance a very limited regulatory gap is allowable and should not result in the forfeiture of the Hinshaw exemption. The bill accomplishes this result by providing that the "subject to regulation by a State commission" requirement can be satisfied if a State commission—within the meaning of the Natural Gas Act—certifies to the FERC that it has regulatory jurisdiction over the rates, services, and facilities of a person and is exercising such jurisdiction. The bill provides further that such certification by a State commission shall constitute conclusive evidence of regulatory power or jurisdiction even in cases where such State commission does not have jurisdiction by reason of State law, or is not exercising jurisdiction, over the sale for resale or transportation of VNG.

This provision is intended to address the narrow circumstance of pipelines and LDC's who currently satisfy the statutory criteria of Natural Gas Act section 1(c), or who might satisfy such criteria in the future, but who might lose such exemption if they engage in certain sales or transportation of VNG in a State where such activities have been decontrolled by State law or by regulation. The purpose simply is to qualify the existing statutory criteria for the Hinshaw exemption. The purpose is not to create alternative criteria for the section 1(c) exemption from Natural Gas Act jurisdiction.

The bill also addresses the possible jurisdictional consequences that State decontrol of the sale for resale or transportation of VNG might have for LDC's with service area determinations under Natural Gas Act section 7(f). Under section 7(f), LDC's with multi-State service territories that have received service area determinations from the FERC may transport natural gas across State lines for delivery to ultimate consumers without triggering Natural Gas Act certificate jurisdiction. Section 7(f) stipulates that such transportation "shall be subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed."

The bill addresses concerns over the jurisdictional consequences of State decontrol for LDC's with section 7(f) service area determinations by stating that in that case of a sale for resale or transportation of VNG by a holder of a service area determination, such sale for resale or transportation shall be deemed to be subject to the exclusive jurisdiction of the State commission of the State in which such sale for resale or transportation occurs "whether or not the sale for resale or transportation of VNG is subject to the jurisdiction of a State commission under State law." Once again, the Congress would be saying that a very limited regulatory gap is allowable and should not result in the forfeiture of an exemption from Federal jurisdiction which the Congress expressly provided for in the Natural Gas Act.

The scope of this legislation is limited to entities that currently are exempt from Federal jurisdiction under the express terms of the Natural Gas Act, namely pipelines and LDC's with Hinshaw exemptions under section 1(c) and LDC's with service area determinations under section 7(f). The purpose of this legislation is to ensure that such exemptions are not forfeited as a consequence of activities involving the sale and transportation of natural gas for ultimate consumption as automotive fuel.

I wish to emphasize that this legislation does not create any loophole in Federal regulation of the natural gas industry under the Natural Gas Act. An interstate pipeline's transportation or sale for resale of natural gas for ultimate consumption as vehicular fuel will remain subject to Natural Gas Act jurisdiction.

I also wish to emphasize that this legislation would not confer any advantage on VNG over other alternate fuels. Rather, it removes a potential obstacle to VNG competing on an equal footing with other alternate fuels. In the marketplace, the fortunes of VNG will rise or fall depending on its relative merits as an automotive fuel and the efforts of those marketing the fuel.

An earlier version of this bill, S. 3085, the Vehicular Natural Gas Jurisdiction Act of 1990, was introduced late in the 101st Congress. S. 3085 was referred to the Committee on Energy and Natural Resources, was the subject of a hearing before the Subcommittee on Energy Regulation and Conservation, and was reported by the committee. The House of Representatives passed a companion bill, H.R. 5707.

It is my intention that the Vehicular Natural Gas Jurisdiction Act of 1991 incorporate the legislative history of its predecessor, S. 3085, and in particular those portions of the committee report on S. 3085—S. Rept. 101-552—in which the Energy Committee expressed its understanding and expectation regarding how the Federal Energy Regulatory Commission would exercise its jurisdiction over VNG activities that might be undertaken by K/N Energy, Inc.

Mr. President, I ask unanimous consent that the text of the Vehicular Natural Gas Jurisdiction Act of 1991 and a section-by-section analysis of the bill be printed in the RECORD.

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

S. 402

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 referred to as the "Vehicular Natural Gas Jurisdiction Act of 1991".

SEC. 2. FINDINGS.

The Congress recognizes that—

(a) natural gas is a viable motor vehicle fuel;

(b) markets for natural gas as a vehicular fuel should be open and robust;

(c) institutional barriers to an equal opportunity for full market development of natural gas as a vehicular fuel should be minimized; and

(d) regulation under certain provisions of the Natural Gas Act is a potential restraint on full market development of natural gas as a vehicular fuel.

Therefore, it is in the national interest to insure an equal opportunity for natural gas to develop as a vehicular fuel and to remove aspects of Natural Gas Act regulation that may inhibit the development of natural gas in vehicle fuel markets.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(a) the term "VNG" means natural gas for ultimate use as a fuel in a motor vehicle, and includes compressed natural gas.

(b) the term "Motor Vehicle" includes any automobile, truck, bus, van, or other on-road or off-road motor vehicle, including a boat.

SEC. 4. PERSONS WITH HINSHAW EXEMPTIONS.

(a) PLACE OF ULTIMATE CONSUMPTION.—For purposes of section 1(c) of the Natural Gas Act, in the case of any sale of VNG, such VNG shall be deemed to be "ultimately consumed" within the State in which physical delivery of such VNG occurs, whether or not physical combustion of such VNG occurs in another State.

(b) STATE REGULATION.—For purposes of section 1(c) of the Natural Gas Act, a certification from a State commission to the Federal Energy Regulatory Commission that such State commission has regulatory jurisdiction over the rates, services and facilities of a person (who receives natural gas from another person within or at the boundary of a State all of which natural gas so received is ultimately consumed within such State) and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction even in cases where such State commission does not have jurisdiction by reason of state law, or is not exercising jurisdiction, over the sale for resale or transportation of VNG.

SEC. 5. PERSONS WITH SERVICE AREA DETERMINATIONS.

For purposes of the Natural Gas Act—

(a) SALES FOR RESALE.—In the case of a sale for resale of VNG by the holder of a service area determination under section 7(f) of the Natural Gas Act, such sale for resale shall be subject to the exclusive jurisdiction of the state commission in the state in which physical delivery of such VNG occurs, whether or not physical combustion of such VNG occurs in another state.

(b) TRANSPORTATION.—In the case of transportation of VNG by the holder of a service area determination under section 7(f) of the Natural Gas Act, such VNG shall for purposes of section 7(f)(2) of the Natural Gas Act be deemed to be "consumed" within the state in which physical delivery of such VNG occurs in another state.

(c) STATE REGULATION.—In the case of a sale for resale of VNG, or the transportation of VNG, by a holder of a service area determination under section 7(f) of the Natural Gas Act, such sale for resale or transportation shall be deemed to be subject to the exclusive jurisdiction of the State commission of the State in which such sale for resale or transportation occurs whether or not the sale for resale or transportation of VNG is subject to the jurisdiction of a State commission under State law.

SECTION-BY-SECTION ANALYSIS OF THE VEHICULAR NATURAL GAS JURISDICTION ACT OF 1991

Section 1: Short Title—The short title is the Vehicular Natural Gas Jurisdiction Act of 1991.

Section 2: Findings—It is in the national interest to ensure an equal opportunity for natural gas to develop as a vehicle fuel and to remove aspects of Natural Gas Act regulation that may inhibit natural gas in vehicle fuel markets.

Section 3: Definitions—The terms "VNG" and "Motor Vehicle" are defined. "VNG" (for Vehicular Natural Gas) is used instead of "CNG" (for Compressed Natural Gas), because there are processes that could permit the use of uncompressed natural gas as vehicle fuel.

Section 4: Persons With Hinshaw Exemptions—This section addresses the possible claim that the sale or transportation of VNG might cause a local distribution company (LDC) or pipeline to fail to satisfy the requirements of Natural Gas Act section 1(c), the "Hinshaw" exemption.

Subsection (a): Place of Ultimate Consumption—This subsection addresses the question of whether, for purposes of Natural Gas Act section 1(c), VNG is "ultimately consumed" in the state where it is delivered. Subsection (a) makes the statutory assumption that VNG is "ultimately consumed" within the state in which physical delivery occurs even where the physical combustion of the gas occurs in another state.

Subsection (b): State Regulation—This subsection addresses the circumstance where state decontrol of the wholesale sale or transportation of VNG puts in question

whether, for purposes of Natural Gas Act section 1(c), a pipeline's or an LDC's rates, services and facilities are "subject to regulation by a State commission." Subsection (b) states that certification by a State commission to the Federal Energy Regulatory Commission that it has regulatory jurisdiction over the rates, services and facilities of a pipeline or an LDC shall be conclusive even where the State commission lacks jurisdiction over the wholesale sale or transportation of VNG.

Section 5: Persons With Service Area Determinations—This section addresses LDCs that have multistate operations because they are located along state borders. Such LDCs have service area determinations under Natural Gas Act section 7(f) pursuant to which they may transport natural gas across state lines for delivery to ultimate consumers without triggering Natural Gas Act certificate jurisdiction.

Subsection (a): Sales for Resale—This subsection states that Natural Gas Act section 1(b) wholesale sale jurisdiction shall not attach to wholesale sales of VNG made by LDCs with service area determinations under section 7(f), regardless of where physical combustion of the VNG occurs.

Subsection (b): Transportation—Natural Gas Act section 7(f) stipulates that in order for transportation provided by an LDC with a service area determination to be exempt from Natural Gas Act certificate jurisdiction, the transportation must be "to ultimate consumers in such service area." Subsection (b) deems VNG to be consumed in the state in which physical delivery occurs, whether or not physical combustion of the VNG occurs in that state.

Subsection (c): State Regulation—This subsection addresses the circumstance where state decontrol of the wholesale sale or transportation of VNG puts in question whether, for purposes of Natural Gas Act section 7(f), such activities are "subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed." Subsection (c) makes the statutory assumption that such jurisdiction exists.●

● Mr. BINGAMAN. Mr. President, I am pleased to join with Senator JOHNSTON in sponsorship of the Vehicular Natural Gas Jurisdiction Act of 1991, legislation that will promote the development of natural gas as an automotive fuel.

Natural gas has great promise as an automotive fuel. Natural gas is our cleanest fossil fuel. Natural gas is readily available at reasonable prices. Over 90 percent of the natural gas consumed in the United States is produced here at home, with most of the balance coming from our neighbor, Canada. As an automotive fuel, natural gas can help to clean up our air and can reduce our dependence on imported oil.

The Alternate Fuels Fleet Program that is part of the recently enacted Clean Air Act Amendments of 1990 will help to create the market for vehicular natural gas—for VNG as it is called in the legislation we are introducing today. I am hopeful that the natural energy strategy that the administration is developing will go even further in promoting alternate fuels such as VNG. Today's legislation represents a modest, but important, step in that direction.

An important part of the development of natural gas as an automotive fuel will be establishing the infrastructure for the distribution of VNG to central fleet refueling facilities, to retail outlets, and ultimately to motorists. Local distribution companies—commonly referred to as LDC's—engaged in the retail sale of natural gas to homes, businesses, and industries are logical outlets for the sale of VNG. Existing suppliers of natural gas should be encouraged to enter the VNG business. The States already have taken steps in this direction. Some States have decontrolled the sale of VNG; others have approved special tariffs for LDC's VNG activities.

At the Federal level we need to ensure that Federal natural gas regulation does not create any unintended obstacles to VNG development. That is the purpose of the Vehicular Natural Gas Jurisdiction Act of 1991. The bill resolves certain statutory ambiguities over whether LDCs' VNG activities might subject them to Federal jurisdiction under the Natural Gas Act. Specifically, the bill is directed at entities that currently are exempt from Federal natural gas regulation, principally LDC's whose activities are covered under section 1(c) and 7(f) of the Natural Gas Act, and provides assurances that these entities will not unwittingly become subject to Federal regulation when they undertake VNG activities.

In the 101st Congress, I cosponsored an earlier version of this bill, S. 3085, the Natural Gas Jurisdiction Act of 1990. That bill was reported unanimously by the Senate Commission on Energy and Natural Resources. A companion bill was passed by the House of Representatives. Unfortunately, in the rush of preadjournment activity, we were unable to get the bill through the Senate. In the 102d Congress, I look forward to speedy committee consideration and final passage of the Vehicular Natural Gas Jurisdiction Act of 1991.

Mr. President, I congratulate the senior Senator from Louisiana on the reintroduction of the Vehicular Natural Gas Jurisdiction Act of 1991 and urge my colleagues to join in sponsorship of this measure.●

By Mr. WALLOP (for himself and Mr. KOHL):

S. 403. A bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges; to the Committee on Commerce, Science, and Transportation.

COAST GUARD USER FEES

● Mr. WALLOP. Mr. President, imagine yourself, not presiding over the Senate, but out in Wyoming quietly paddling a canoe on the Green River Lakes. You are enthralled to be on the headwaters of the Green River, which runs south to become the Colorado River.

Above you looms Gannett Peak—the tallest mountain in Wyoming. But your idyllic moment is disturbed as suddenly from the rushes emerges a huge Coast Guard cutter. The captain blows his horn, orders you to pull your canoe over to the river's edge and you are immediately told that absent a Coast Guard registration sticker you will be issued a citation.

This scenario may sound a bit ridiculous, but it is not as ridiculous as the target of this story, the new Coast Guard user fees. Today I am introducing with Senator KOHL of Wisconsin legislation to clarify that the Coast Guard user fees shall not apply to manpowered vessels such as canoes and kayaks.

User fees of $25 and above were included in the Budget Reconciliation Act and targeted at recreational vessels over 16 feet which operate in navigable waters where the Coast Guard has a presence. Due to the vague wording of the statute, however, these fees could be applied to canoes, kayaks, and other manpowered vessels, regardless of whether or not they are operated in a State with a Coast Guard presence. Wyoming is a perfect example.

If we fail to provide an exemption from these user fees, recreational groups shouldn't be suprised to see the Coast Guard turn up anywhere—even in Wyoming. We have no Coast Guard now, but lots of canoers, kayakers, and river outfitters. My bill will remove the possibility of overly broad interpretation by providing an exemption from the fee for all manpowered watercraft, including those over 16 feet in length or navigating in waters where the Coast Guard operates.

Although the Coast Guard is currently in the process of drafting regulations to comply with the user fee provision, I am not encouraged that an exemption will be given to manpowered vessels. I have urged both the Coast Guard Commandant and Transportation Secretary Skinner to include an exemption in the proposed rulemaking, but neither of them have been forthcoming about any decision in that regard.

This is one of those instances which requires the exercise of common sense by the bureaucracy. Sometimes they need prodding, which is why I am introducing this legislation to exempt manpowered vessels.

By now many of you may have heard from a number of canoe liveries, outfitters, and retailers concerned about the impact that this provision could have on their businesses. If forced to register and pay annual fees on all vessels in the paddleboats industry, a number of these groups could be forced out of business. For individual canoers and kayakers, the $25 fee is disproportionate to one's investment, particularly if the craft is purchased at a neighborhood garage sale.

These registration/user fees for canoes and kayaks also make little sense when they are rarely if ever provided services by the Coast Guard. There is simply no justification for such drastic action.

As it now stands, only the District of Columbia and seven other States register canoes. Clearly in its attempt to calculate the $165 million in revenues this provision was intended to raise, the Commerce and Budget Committees could not have used those canoes and kayaks in their budget estimate. I am confident that the members of the Commerce Committee would back up that statement and agree with me that this legislation is revenue neutral.

I cannot think of anything more in the public interest than recreation. Americans love the outdoors. There is nothing more pleasant and relaxing than taking a canoe or kayak to a remote stream or river in rural parts of the country and exploring unchartered waters. Maintaining these quiet, leisurely journeys for all Americans is indicative of our devotion to the protection of our natural resources and the continuation of a public-private partnership in recreational interests.

As a member of the Presidents' Commission on Americans Outdoors, I witnessed firsthand Americans' willingness to see that outdoor opportunities are available to them and their children and grandchildren. Let us not allow those opportunities to slip away for failure to enact legislation to exempt manpowered, recreational vessels from Coast Guard user fees.

I would ask that a recent article in the magazine American Canoeist published by the American Canoe Association be included at the conclusion of my remarks.

I would also ask that the text of my bill as well as a statement by Senator KOHL be inserted in the RECORD immediately after my remarks.

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

S. 403

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

SECTION 1. CLARIFICATION.

Nothing contained in section 2110 of title 46, United States Code, shall be construed as authorizing the establishment or collection of a fee or charge in connection with any vessel which is propelled only by manpower, such as canoes and kayaks.

NATIONAL BOAT TAX BECOMES LAW—ACA MAPS BATTLE PLANS

It may be called a "user fee," but the legislation which slipped through Congress last year in 11th hour mass confusion surrounding the federal budget is, plain and simple, a tax. It is officially called the Navigable Waters User Tax, and in its present form it apparently will cost a significant number of canoeists and kayakers at least $25.00 per boat once enforcement is effected.

Initially canoeists and kayakers and other boaters using officially declared navigable waters . . . and that covers a great deal of territory including all coastal areas, the Great Lakes, all major river systems and waters such as the BWCA on international boundaries . . . will feel the brunt of the new tax. As if that weren't enough, observers predict that, if allowed to stand, the law will quickly be expanded to cover all boats over 16 feet in length regardless of place of use.

The legislation smacks of the problems of ill-conceived state licensing efforts in recent years. In reading correspondence from lawmakers and others involved in an "official" capacity, it becomes apparent that the framers of the legislation were thinking in terms of power boats. They may have heard of canoes and kayaks, but if any thought was given to these craft (a supposition which seems unlikely), it was distorted thought.

What it all means is that each of your canoes and kayaks (including one we bought for $35.00 at a garage sale last summer) will be taxed at a minimum of $25.00 each year. On a $35.00 boat, that's a pretty hefty percentage. Compare it with the fact that the owner of a 15-foot runabout costing say $15,000 will pay no tax, and you (we) have problems. Add the fact that the law mandates that all revenue raised will go directly to the general fund—not to any agency providing services to the boater—and our problems are compounded.

As mandated, the "user fee" tax will be assessed each year by length of boat. Craft 16 to 19 feet will pay $25; boats 20 to 26 feet, $35; $50 for boats 27 to 39 feet; and $100 for any craft over 40 feet. The penalty for failure to pay is a fine up to $5,000.

The situation, in short, is untenable.

The American Canoe Association has initiated a four-step plan to fight the tax. The steps: 1) Working directly with the Coast Guard (the agency charged with setting up the collection and enforcement procedures) to exempt canoes and kayaks as a part of the regulations; 2) Failing carrying the day in the formative stages of the regulations, moving to have our craft exempted during the public comment stage of the regulatory process; 3) Working directly with the appropriate congressional committees during their review procedures; 4) As a last resort, dealing directly with individual senators and representatives to convince them to introduce and pass legislation to repeal that portion of the law applicable to canoes and kayaks.

You will note that each step becomes progressively more difficult. It will be easier to prevail at step one than it will at step three. Step four will be the most difficult. If we are to succeed at any stage, we will need to act both as individuals and as a body.

UNEXPECTED ALLIES

If there is any comfort in what former ACA National Coastal Kayaking Chairman Chuck Sutherland calls "a disastrous and extraordinarily punitive" action, it is that the passage of the law has drawn loud outcries from a number of fronts.

By far the largest (and here numbers count) is Boat/US, the Boat Owners Association of the United States. The association represents some 400,000 power boat owners across the country; and, although admittedly for different reasons, they are as upset as canoeists. This is clearly a case where power boaters and paddlers can work together.

Closer to home and also upset (for obvious reasons) are members of the National Association of Canoe Liveries and Outfitters (NACLO).

Boat/US has pledged any action necessary (presumably including court action) to blunt the taxation measure. All three organizations, along with any others affected—rowing as an example—should be prepared to work together on the issue. If all else fails and courts stand as a last resort, then the ACA must be prepared to participate in whatever way possible. We cannot afford to simply stand by and watch.

WHAT YOU CAN DO NOW

Our best immediate chance lies with the Coast Guard as they supply the missing language to implement the legislation. Write them at the following address:

Commandant G-NAB, Navigable Waters User Tax Section, United States Coast Guard, 2100 Second St., SW, Washington, D.C. 20593.

Even a postcard will do, but point out that the legislation was never intended to cover canoes and kayaks. Briefly explain that obviously boat length is, in this case, an attempt to determine dollar value and what applies to power boats does not apply to canoes and kayaks. Ask that paddlecraft be exempted.

At the same time write to your U.S. representatives and senators. Be positive and express your concerns with cool logic. And in the process begin the long and often overlooked road to educating our lawmakers on what canoes and kayaks—and the people who paddle them—are all about.

And please, send copies of all letters to the ACA Tax Committee, P.O. Box 1190, Newington, VA 22122. They will be used later to enforce our points.●

● Mr. KOHL. Mr. President, today I rise to cosponsor Senator WALLOP's bill to make vessels which are fully propelled by manpower exempt from the Coast Guard user fees contained in section 2110 of title 46 of the United States Code. Mr. President, I believe the enactment of these user fees went too far in scope when it included low cost, fully manpowered vessels, such as canoes and kayaks, in the legislation. I believe Congress now has the opportunity to correct that error and make these relatively low-cost vessels exempt from high cost user fees.

This bill would also help alleviate the onerous burden placed on businesses operating a number of these types of vessels. Many of these small businesses may be forced into bankruptcy if required to comply with the unfair user fee. It is clearly in the best interests of the public to preserve the recreational benefits and sporting pleasure of vessels propelled by manpower, such as canoes and kayaks.

I commend Senator WALLOP for taking the initiative on this bill, and I urge the Senate to consider and pass it as soon as possible.●

By Mr. SEYMOUR (for himself and Mr. CRANSTON):

S. 404. A bill to authorize the Secretary of the Interior to enter into contracts pursuant to the Warren Act (Act of February 21, 1911, 36 Stat. 925, 43 U.S.C. 523 et seq.) for domestic, municipal, fish and wildlife, and other bene-

ficial purposes, and for other purposes; to the Committee on Energy and Natural Resources.

CALIFORNIA DROUGHT RELIEF LEGISLATION

Mr. SEYMOUR. Mr. President, I rise today to introduce legislation that is a first step to ameliorate the California drought.

My State is suffering its fifth year of drought. In fact, some parts in California have felt drought conditions for 7 years. This year, the drought has denied the State 75 percent of its average rainfall. Many of my State's major reservoirs are bone dry. In fact, Folsom Reservoir, which was at 34 percent of capacity last year, is now at 15 percent of capacity.

The attendant effects on my State are enormous. California's $18 billion agricultural economy is now scrambling to find water to prevent its orchards and vines from dying outright. In the urban and suburban areas, residents are rationing their water use severely.

I expect to be heard from again on this issue. I plan to introduce several bills that will ease the effects of this drought. But I rise today to announce two steps. Mr. President, I rise today to introduce legislation that will amend the 1911 Warren Act to extend facilities operated by the Bureau of Reclamation to other uses such as for domestic, municipal, and fish and wildlife purposes. This will correct an anomaly of Federal law which currently prohibits Bureau of Reclamation facilities from being utilized except for specified contract and agricultural purposes.

In my State, this will promote the more efficient use of Federal facilities. It will share Federal Bureau of Reclamation facilities with municipalities, which are heavily impacted by the drought. The irrigation system of California has been described as a network of capillaries, arteries, and veins. Mr. President, let me extend the analogy and say that the patient suffers from dehydration and poor circulation. My bill would begin the process of helping its circulation. Mr. President, if it would have an effect on the drought, I would author legislation mandating rain. But this body can enact legislation that will improve the circulation of the State's existing water.

Mr. President, the Federal water system in California is a resource that we're not using to the fullest to help us deal with this drought. To give you just two examples, the city of Santa Barbara can't use excess storage capacity in the Cachuma Reservoir, and Santa Clara County can't move water through the San Felipe Canal.

There are over 30 Federal reservoirs and 5,000 miles of canals in California that we could be using right now to help us cope with the water shortages caused by the drought. We can open these desperately needed facilities now, without costing taxpayers a dime and without taking water away from others. And we can do it by passing this bill.

Unfortunately my bill does not alleviate the effects of the drought in every county in California. But it is a start.

My bill, which has been originally cosponsored by my distinguished senior colleague, Senator ALAN CRANSTON, applies only to California. Reclamation law is a highly complex tapestry of statutes and regulation. My bill does not affect the Warren Act's prohibition in other States.

My bill will be an environmental plus as well as save taxpayers' dollars. In fact, the Federal Government will gain unanticipated revenue based on the increased use of its facilities, as the Warren Act requires that contractors for surplus capacity pay an appropriate share of the cost of the facilities they use as well as any operating costs. In addition, my bill will avoid the costly duplication in the construction of water projects. Mr. President, this amendment will simply permit the better utilization of water and environmental management of this precious lifeblood resource through the more efficient use of water facilities.

Today, I have also requested the President to convene a Federal interagency response team to ensure effective drought management. Governor Wilson has already established a California drought action team. It is important that all affected departments, at the State and Federal levels alike, put their collective shoulders to the wheel, and work to limit the effects of this devastating drought and its myriad complications.

By Mr. MITCHELL (for himself, Mr. COHEN, Mr. SANFORD, Mr. HEINZ, Mr. PRYOR, Mr. DANFORTH, Mr. HOLLINGS, Mr. RUDMAN, Mr. KOHL, Mr. HELMS, Mr. BUMPERS, Mr. KASTEN, Mr. HEFLIN, Mr. THURMOND, and Mr. SHELBY):

S. 405. A bill to amend the Harmonized Tariff Schedule of the United States to exclude certain footwear assembled in beneficiary countries from duty-free treatment; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN FOOTWEAR

Mr. MITCHELL. Mr. President, I am introducing legislation today with Senator COHEN and 12 other Senators that would correct a provision in the Caribbean Basin Economic Recovery Act that was enacted into law last year.

Under section 222 of that legislation, footwear and leather products imported from CBI nations now enjoy duty-free status if assembled from U.S. components or materials. The effect of this provision may well be the final destruction of our domestic footwear manufacturing industry, an industry which has been severely undermined by increased imports in the last decade.

The inclusion of footwear in section 222, while textile, apparel, and petroleum products were exempted, is in my view clearly contrary to the expressed intent of Congress to protect footwear from the benefits provided in CBI legislation. The original CBI initiative enacted in 1983 exempted footwear and other import sensitive products from duty-free treatment accorded products from Caribbean Basin nations. When new CBI legislation was considered last year, both the House and Senate went on record in support of protecting the domestic footwear industry from the benefits otherwise accorded imports from CBI nations. The Senate evidenced its intent when it overwhelmingly defeated a floor amendment that would have reduced CBI footwear imports by 50 percent.

Unfortunately, this intent did not survive conference committee action because a provision was included in section 222 that permits duty-free imports of footwear imported from CBI nations which are produced from component parts made in the United States. While textile, apparel, and petroleum products were exempted from these provisions, footwear was included. This is an expansion on current law treatment under 807 which provides for duty-free treatment only on the value-added portion of the product. To make matters worse, the conference committee further liberalized these rules by adopting language offered on the Senate floor intended to apply to computers which permits products to qualify for duty-free treatment if processed from U.S. materials, whether or not there is any assembly production in this country.

The objective of section 222 is supposed to be to increase employment in CBI nations in manufacturing facilities that make use of American made component parts that will provide jobs in U.S. supplier industries. But if that is the case, the Kerry amendment language is counterproductive because manufacturing of the component parts will be permitted to occur in CBI nations. American workers who cut leather products and footwear components in supplier industries will lose out to workers in CBI nations. More importantly, whatever effect this legislation has on suppliers in the United States it is quite clear that domestic footwear manufacturing jobs will be lost as these companies move their operations to the Caribbean to take advantage of the lower duties.

The legislation we are introducing today would correct this situation by adding footwear and leather-related products to the list of products now exempted from the duty-free provisions of section 222. I ask unanimous consent that a copy of this legislation be included in the CONGRESSIONAL RECORD.

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

S. 405

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

SECTION 1. TREATMENT OF FOOTWEAR AND LEATHER RELATED PRODUCTS.

(a) IN GENERAL.—Paragraph (b) of U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by inserting "footwear, leather related products," in the parenthetical after "apparel article,".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 222 of the Customs and Trade Act of 1990.

Mr. COHEN. Mr. President, I am pleased to introduce this legislation with my good friend and colleague from Maine, Senator MITCHELL and others. This bill is remedial insofar as it merely seeks to correct what I believe the Senate had already intended when it considered the Caribbean Basin Economic Recovery Expansion Act of 1990 last year. This legislation restores footwear to the list of products exempt from section 222 of the CBERA which provides for duty-free treatment of products assembled in the Caribbean from U.S. components.

Under the Senate-passed version of the CBERA, section 222 included footwear in the list of exempt products, along with textiles and apparel. Unfortunately, this provision was lost in conference. Amending section 222 to include footwear in its list of exemptions would be consistent with the Senate's rejection of an amendment to the CBERA which would have reduced tariffs for shoes imported from the Caribbean by 50 percent. The Senate made clear by that vote that its desire to extend certain preferential treatment to Caribbean-made imports did not extend to import-sensitive footwear products.

The CBERA was enacted in 1983 to provide incentives for expanding the economies of the Caribbean countries through a system of duty-free preferences. With good reason, however, these preferences did not apply to many import-sensitive commodities, including certain footwear. The rationale in 1983 was that the footwear industry in the United States has been decimated over the past 20 years by import penetration and that to sacrifice what was left on the rubber footwear industry in the name of foreign assistance would be irresponsible. The facts supporting that rationale are all the more true today. In 1989, 74 percent of the rubber footwear sold in the United States were imported. The effect on my State has been tremendous. Since 1980, over 7,000 Maine footwear workers have lost their jobs and over 30 plants have shut their door.

Restoring footwear to the list of important-sensitive products is critical. I urge my colleagues to support this legislation which merely restores the status quo of the CBERA with respect to footwear.

Mr. SANFORD. Mr. President, I rise in strong support of the bill introduced today by my colleagues from Maine, Senators MITCHELL and COHEN. I am an original cosponsor of this bill and hope we will be able to take swift action on it.

This bill may seem like a small provision in the overall scheme of our trade policy, but it looms large for companies like Converse, Inc., with its major plant in Lumberton, NC.

The bill corrects what I believe to be an error in policy established in the Caribbean Basin Economic Recovery Expansion Act of 1990. During debate on that bill, much discussion took place regarding an amendment offered by my colleague from Oregon, Mr. PACKWOOD, to reduce by 50 percent the tariff on footwear imported from CBI countries. Based in part on the huge share of our footwear market that is already held by imports and by concern for the impact of that amendment on footwear workers in this country, the Senate wisely voted 68 to 32 to reject the Packwood amendment.

However, in conference, provisons relating to the importation of footwear were changed to do something which may be even more detrimental to the domestic footwear industry than the Packwood amendment, had it passed. The conference committee agreed to permit the importation of footwear duty free if made from U.S. components. This provision will, even more than a tariff reduction, have the direct result of driving footwear manufacturers out of the United States, with a tremendous loss of jobs here.

We should not let this happen. The provision is contrary to the intent of the Congress, which defeated a tariff reduction amendment, and will have tremendous negative ramifications on workers in this country. The CBI bill exempted textiles, apparel and petroleum products from the provision affecting goods made with U.S. components. All we ask is that footwear be added to that list of exempted items.

This is a very important bill and I urge my colleagues to support it.

By Mr. THURMOND:

S. 406. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 407. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 408. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 409. A bill to temporarily suspend the duty on dimethyl succincyl succinate; to the Committee on Finance.

S. 410. A bill to temporarily suspend the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 411. A bill to temporarily suspend the duty on pentachlorothiophenol; to the Committee on Finance.

S. 412. A bill to temporarily suspend the duty on certain chemicals; to the Committee on Finance.

DUTY TREATMENT OF CERTAIN MANUFACTURING CHEMICALS

Mr. THURMOND. Mr. President, I rise today to introduce seven bills which will suspend the duties imposed on certain chemicals used in coloring textile products, paints, inks, and plastic components as well as other industrial uses. Currently, these chemicals are imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would temporarily extend the duty suspension on 1,4-Diaminobenzene-2-sulfonic acid (paramine acid), which is a chemical used in the manufacturing of a bright greenish-yellow dye for paper. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The second bill would temporarily extend the duty suspension on 2,3-Dihydro-1,3,3-trimethyl-2-methylene-1H-indole (trimethyl base) which is used in making dyes for coloring acrylic fibers. These dyes are very important to the domestic textile industry and to major fiber producers in the United States.

The third bill would temporarily extend the duty on 9,10-Anthracenedione (anthraquinone) which is used as a pulping aid in the manufacture of paper. Use of this chemical permits higher capacity which is critical for the U.S. paper industry, due to the extremely high operating levels over the past several years. Additional benefits of using anthraquinone in producing pulp include high yields which reduces tree consumption, and reduction of the use of other pulping chemicals which reduces the potential air and water emission load.

Mr. President, the three chemicals mentioned previously are currently imported into this country with duty suspensions in effect. These bills seek an extension of the duty-free status these chemicals currently have under Public Law 101-382. The next four bills being introduced are seeking duty suspensions for certain chemicals for the first time.

The fourth bill would temporarily suspend the duty suspension for Dimethyl succinyl succinate [DMSS]. DMSS is combined with other chemicals to create red pigments for paints. These pigments are extremely important to the automotive industry and to their paint suppliers.

The fifth bill would temporarily suspend the duty on N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino) phenyl]-methanesulfonamide and N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(di-1-propylamino)phenyl]methanesulfonamide (resolin red F3BS components I and II). Both of these components are combined and dispersed to form a red dye used in coloring polyester fiber.

The sixth bill would temporarily suspend the duty on Pentachlorothiophenol (pentachlorobenzenethiol) which is used by manufacturers of rubber-based products, such as automobile tires, to break up the natural rubber into small particles in the molding and vulcanizing process.

The seventh and last bill would temporarily suspend the duty on 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid, which can also be referred to as Dehydrothio-4-toluidine disulfonic acid. This chemical is used in making dyes and pigments for textiles and paints.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of these materials. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 406

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

SECTION 1. PARAMINE ACID.

Heading 9902.30.44 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out the date in the effective period column and inserting "12/31/95".

S. 407

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

SECTION 1. TRIMETHYL BASE.

Heading 9902.30.89 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out the date in the effective period column and inserting "12/31/95".

S. 408

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

SECTION 1. ANTHRAQUINONE.

Heading 9902.30.17 of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007) is amended by striking out the date in the effective period column and inserting "12/31/95".

S. 409

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

SECTION 1. DIMETHYL SUCCINYL SUCCINATE.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.11 Dimethyl succinyl succinate (provided for in subheading 2917.19.40)	Free	No change	No change	On or before 12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 410

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

SECTION 1. RESOLIN RED F3BS COMPONENTS I AND II.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.10 N-[2[2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino)phenyl]-methanesulfonamide and N-[2-[2,6-dicyano-4-methylphenyl)azo]-5-(di-1-propylamino)phenyl]-methanesulfonamide (provided for in subheading 3204.11.20)	Free	No change	No change	On or before 12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 411

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

SECTION 1. PENTACHLOROTHIOPHENOL.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.11 Pentachlorothio-phenol (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/95".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 412

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

SECTION 1. DUTY SUSPENSION.

(a) IN GENERAL.—Each of the following headings in the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/90" and inserting "12/31/95":

(1) Heading 9902.29.34 (relating to 6-Amino-1-naphthol-3-sulfonic acid).

(2) Heading 9902.29.48 (relating to 1-Amino-2-chloro-4-hydroxy-anthraquinone).

(3) Heading 9902.29.78 (relating to 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(c) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer not later than 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.29.34, 9902.29.48, or 9902.29.78 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1990, and

(2) before the date that is 15 days after the date of the enactment of this Act.

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

By Mr. KENNEDY (for himself and Mr. SIMON):

S. 413. A bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia; to the Committee on Foreign Relations.

LIBERIAN RELIEF, REHABILITATION, AND RECONSTRUCTION ACT

• Mr. KENNEDY. Mr. President, in May of last year I introduced a resolution condemning the violence in Liberia and calling on the administration to suspend all military assistance until human rights had improved and to support the efforts of international and private voluntary organizations in meeting the urgent needs of Liberian refugees in neighboring countries.

Today, I am again introducing a bill on the Liberian crisis. For over a year, Liberia has been at war with itself, creating one of the largest refugee flows per capita in the world today.

The war in the Persian Gulf has clearly pushed aside problems in other parts of the world. Nonetheless, I feel we cannot ignore the urgent humanitarian needs of the Liberian people, who have undergone a wrenching civil war. The country is devastated, and

famine threatens unless continued food supplies are made available. Clearly much more needs to be done to assist the people of Liberia as they enter into a post-war period.

The United States, as the single largest donor of humanitarian assistance, has given generously but cannot be expected to support the entire relief effort alone. Liberia requires a massive infusion of resources to rehabilitate its decimated economy and restore its stability. Sadly, the crisis there has been largely ignored by the rest of the world. Liberia clearly deserves priority attention by the international as well as the traditional donors.

In order to bring some greater understanding to the crisis in Liberia, and to inform the Congress on what more needs to be done to assist the people of Liberia, with whom we have had such a long, historic association, I asked the Subcommittee on Immigration and Refugee Affairs to report on current developments in Liberia.

I ask that the text of the bill and a summary of their findings and recommendations be printed at this point in the RECORD.

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

S. 413

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 "Liberian Relief, Rehabilitation, and Reconstruction Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as a result of a year-long civil war, a general breakdown of law and order, the displacement of up to one-half of the country's population, the destruction of significant sections of the infrastructure and resulting economic collapse, the people of Liberia are enduring widespread acute pain and suffering;

(2) severe malnutrition and disease are threatening the general population of Liberia; as many as 80 percent of the children residing in the capital city of Monrovia have been seriously malnourished;

(3) agricultural lands have been abandoned, seeds and other means for farmers to plant and harvest crops have been lost, and agricultural markets have been destroyed as a result of violent civil war;

(4) sanitary water supplies for the capital city of Monrovia have been destroyed, the capital's two largest hospitals must be totally refurbished, most of the country's health clinics and many of the country's schools have been destroyed or abandoned;

(5) the fragile economy has been thoroughly debilitated by war; and

(6) because of its long and special relationship with Liberia, it is in the interest of the United States and the international community to respond to the urgent needs of the people of Liberia and to assist in every way possible to promote democratic institutions and the social and economic development of the nation.

SEC. 3. INTERNATIONAL DISASTER ASSISTANCE.

Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292–2292p) is amended by adding at the end thereof the following new section:

"SEC. 495L. LIBERIAN CIVIL STRIFE ASSISTANCE.

"(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide assistance for civil strife relief, rehabilitation, and general recovery in Liberia. Assistance under this section shall be provided for humanitarian purposes and shall be provided on a grant basis.

"(b) USE OF FUNDS.—In providing the assistance authorized in subsection (a), priority shall be given to funding activities which—

"(1) maximize the use of private voluntary agencies for relief, rehabilitation, and recovery projects;

"(2) emphasize emergency health projects, including efforts to rehabilitate the primary health care system of Liberia;

"(3) contribute to the restoration of schools and the general education system, including efforts to support the teaching of displaced children; and

"(4) contribute to efforts by the international community to respond to Liberian relief and development needs.

"(c) TRANSFERS AND GENERAL AUTHORITIES—(1) In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated to the President $45,000,000 for fiscal year 1991 for use in providing assistance under this section.

"(2) The President is authorized to transfer up to $750,000 of the amount appropriated pursuant to this section to the 'Operating Expenses of the Agency for International Development' account, which amount shall be used for management support activities associated with the planning, monitoring, and supervision of emergency humanitarian assistance for Liberia.

"(3) The President is granted the authority to transfer funds appropriated pursuant to this section to the Development Fund for Africa for use in supporting longer-term rehabilitation activities in Liberia.

"(4) Assistance under this section shall be furnished in accordance with the policies and general authorities contained in section 491.

"(5) Amounts appropriated under this section are authorized to remain available until September 30, 1992.".

SEC. 4. MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" $20,000,000 for fiscal year 1991 for emergency relief, repatriation, and rehabilitation efforts for Liberian refugees who have fled civil strife and, where appropriate, for support of relief programs assisting local populations in the bordering countries of Sierra Leone, Guinea, and Cote d'Ivoire, which have been affected by the influx of Liberian refugees.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under this section are authorized to remain available until September 30, 1992.

SEC. 5. EMERGENCY FOOD ASSISTANCE FOR LIBERIA.

(a) AUTHORIZATION OF ASSISTANCE.—The President is authorized to provide supplemental emergency food assistance for civilian victims of civil strife in Liberia, including additional emergency food assistance (primarily rice, processed foods, and oils) for the needs of the affected and displaced civilian population of Liberia through title II ("Food for Peace") programs and to provide ocean and inland transport of such food supplies.

(b) USE OF GRANTS.—In providing assistance authorized by this section, the President is authorized to make grants to United States, international, and indigenous private and voluntary organizations as may be necessary to carry out the provisions of this section.

(c) TRANSFERS AND GENERAL AUTHORITIES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated to the President $27,000,000 for fiscal year 1991 for use in providing assistance under this section.

(2) MANAGEMENT SUPPORT ACTIVITIES.—The President is authorized to transfer up to $500,000 of the amount appropriated pursuant to this section, to the "Operating Expenses of the Agency for International Development" account, which amount shall be used for management support activities associated with the planning, monitoring, and supervision of emergency food assistance for Liberia.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated under this section are authorized to remain available until September 30, 1992.

(d) ADDITIONAL FUNDS FOR HUMANITARIAN ASSISTANCE FOR LIBERIA.—It is the sense of Congress that, in order to provide additional resources for relief, rehabilitation, and reconstruction programs for victims of civil strife in Liberia, not less than $12,000,000 of the local currencies generated and available under provisions of title II of the Agricultural Trade Development and Assistance Act of 1954 (the "Food for Peace" program) during fiscal year 1991 should be made available for disaster assistance purposes authorized by section 495L(b) of the Foreign Assistance Act of 1961, as added by this Act. Such funds should be available for general relief, rehabilitation, and reconstruction purposes and may include the provision or transport of emergency food assistance. Such assistance should be administered by the Agency for International Development.

SEC. 6. GENERAL PROVISIONS.

(a) NONAPPLICABILITY OF PROVISION.—The assistance authorized for Liberia by this Act may be provided without regard to section 518 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167), section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)) (the so-called Brooke-Alexander amendment), or any similar provision of the law relating to foreign assistance repayments.

(b) REGULAR ASSISTANCE PROGRAMS TO BE MAINTAINED.—Relief and rehabilitation assistance provided for Liberia under this Act, or any amendment made by this Act, is in addition to the regularly programmed assistance for that country for fiscal year 1991 under chapter 1 of the Foreign Assistance Act of 1961 (relating to development assistance) and titles I, II, and III of the Agricultural Trade Development Assistance Act of 1945 (relating to food assistance).

LIBERIA: RELIEF AND RECONSTRUCTION

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Liberia

Nearly half of Liberia's population are now refugees or displaced persons from their homes and lands. Over 1.2 million have fled from the civil conflict and are in urgent need of assistance. Although the United States

has led the way, contributing $127.2 million to date, much more needs to be done—and greater support sought from other international donors (who have contributed only $44.1 million thus far).

By all estimates, an equal amount of emergency relief assistance will be required over the coming year, particularly sustained food shipments. The agricultural sector of Liberia's economy has been totally disrupted by the conflict in the countryside, and with a severe shortage of seeds, an entire crop-cycle will likely be missed, leaving Liberians totally dependent upon outside food support, particularly rice, their staple product. The United States must be prepared to increase P.L. 480 Food for Peace shipments in the coming year.

Although longer-term assistance needs are still to be determined, the Congress should enact legislation, such as "The Liberian Relief, Rehabilitation and Reconstruction Act of 1991" to give more adequate authority, and greater urgency, to U.S. programs of assistance.

The United Nations should appoint a regional coordinator for the Liberian relief effort, who has both the stature as an international diplomat as well as experience in international relief operation. There is an urgent need for greater coordination of international assistance within Liberia as well as in the neighboring countries impacted by tens of thousands of refugees.

To support the return of a democratically elected government in Liberia, the United States must continue to support regional efforts to secure a ceasefire and to implement a plan for the return of civilian control and the preparation for internationally supervised elections. These efforts at political reform cannot be accomplished, however, without economic assistance to rebuild the social and productive infrastructure of war-torn Liberia.

While efforts to restore stability are under way, the U.S. Attorney General should exercise his new authority, under the terms of the Immigration Act of 1990, to grant temporary haven ("temporary protected status") to Liberians now in the United States.

LIBERIA TODAY

The War

Civil war erupted in Liberia on December 24, 1989 when a small group of insurgents led by Charles Taylor crossed the border from the Cote d'Ivoire and seized government installations and villages in Nimba County. Attempts by the Liberian armed forces to oust them were initially successful, but after months of fighting the rebel forces gained control of the rest of the country. The Liberian army conducted an extremely brutal counterinsurgency operation in the area, destroying villages and exterminating members of rival ethnic groups.

The atrocities committed by the Liberian armed forces prompted many villagers to align themselves with the rebels. Among the recruits were orphaned children from Nimba County, who themselves became guerrilla fighters. The rebel forces resorted to bloody retaliation against members of the Krahn tribe as revenge for abuses committed by the later President Samual K. Doe's own people during a coup attempt in 1985 and in the early months of 1990. The insurgency rapidly deteriorated into tirbal warfare. It is estimated that as many as 13,000 people were killed in the fighting.[1]

As the rebel force increased in size, its leadership splintered into two factions: the National Patriotic Front of Liberia (NPFL) headed by Charles Taylor and the Independent National Patriotic Front of Liberia (INPFL) led by Prince Johnson. These forces were opposed by remnants of the Armed Forces of Liberia (AFL).

In early September 1990, President Samuel K. Doe was captured in the port of Liberia and tortured to death by Prince Johnson's men. After his execution, the AFL fought desperately in the streets of Monrovia in an effort to cling to power. They burned and destroyed parts of the city.

A five-nation military force from the Economic Community of West Africa (ECOWAS) comprised of troops from Nigeria, Sierra Leone, The Gambia, and Ghana has been in Liberia since late summer. While purportedly a peacekeeping contingent, soldiers from this force known as the Economic Community Monitoring Group (ECOMOG) have mortared some civilian areas of Monrovia and its suburbs, and bombed the port of Buchanan. They are reputed to have committed other abuses against civilians, such as looting and pillaging.[2] Nonetheless, ECOMOG has played a valuable role in restoring stability to the country through the maintenance of the cease-fire which became effective on November 27, 1990.

Recently an Interim Government of National Unity (IGNU) headed by Amos Sawyer was installed in Monrovia, the capital city. Backed by ECOMOG, the interim government is attempting to impose security and revitalize the economy. Charles Taylor refused to recognize the interim government, but Prince Johnson gave it his strong support.

On January 19, 1991, the two rebel leaders reached a settlement that laid the groundwork for the formation of a government of national unity. However, Johnson has jeopardized the interim government by demanding the resignation of Amos Sawyer. Given the unpredictable nature of both Johnson and Taylor, the future of this accord is very much in doubt.

Refugees

Civil strife in Liberia has resulted in the largest per capita displacement of refugees of any country in the world today. More than 1.28 million persons (out of an estimated population of 2.5 million) have been displaced from their homes; as many as 730,000 fled to other West African countries, while the number of internally displaced persons requiring assistance is estimated at 1.2 million.

Relief efforts were frustrated by the security situation until late December. The atmosphere continues to improve, however, as the ceasefire holds. The increasing numbers of Liberians who have gravitated to Monrovia seeking safety, food and shelter have placed extraordinary strains on existing relief capabilities. The international donors are currently examining ways to deal with the influx of newly arrived Liberians.

Liberians have formed voluntary relief groups in the U.S. and in their native country, which have been very active in humanitarian activities. For example, representatives of the Washington-based Liberian Coalition for Relief, Resettlement and Reconstruction (LICORE) recently completed a visit to Liberia and Sierra Leone to provide medical, dental and social services to refugees. Two additional voluntary relief agencies (Oxfam and Lutheran World Federation) arrived in Liberia on January 11 to assess the situation for future humanitarian assistance.

Nonetheless, relief supplies remain in short supply, and logistical problems are pervasive. It has been next to impossible to supply internally displaced Liberians behind the lines. The rice stockpiles in the capital are seriously depleted, and food shipments are erratic at best. Much more international assistance is needed to provide urgently needed food, shelter, transportation and medical care. A massive support effort will be necessary to restore the economy and to reestablish security.

A unique aspect of the Liberian refugee situation is that there are no refugee camps outside its borders. Many refugees are being helped by the inhabitants of neighboring countries who themselves are living in impoverished conditions. These villagers were the sole source of help for Liberian refugees until relief supplies finally started to arrive months later. Since these foodstuffs are distributed only to the refugees, those who provided help earlier in the hope of being compensated, are now themselves in dire need.

While the problem is equally acute in Sierra Leone and the Cote d'Ivoire, a recent UNDRO appeal to replenish the food supplies of villagers in Guinea has been largely ignored. The international community should provide compensatory food assistance to all three countries.

[NOTE: The Liberian Relief, Rehabilitation and Reconstruction Act was prepared in close consultation with the U.S. Committee for Refugees. The Subcommittee thanks Mr. Hiram Ruiz of the Committee for his dedication to the needs of the Liberian people. This bill will provide for a generous and comprehensive U.S. government response to Liberia's immediate and longer-term relief and recovery needs.]•

By Mr. METZENBAUM:

S. 414. A bill to provide access to check cashing; to the Committee on Banking, Housing, and Urban Affairs.

S. 415. A bill to provide access to basic banking services; to the Committee on Banking, Housing, and Urban Affairs.

GOVERNMENT CHECK CASHING ACT AND THE BASIC BANKING SERVICES ACCESS ACT

• Mr. METZENBAUM. Mr. President, I rise to reintroduce two bills which would provide Government check cashing and basic banking services to the general public.

These proposals are extremely important and very timely.

The Treasury Department's sweeping plans for overhauling the banking system completely ignore the need to provide affordable banking services to low-income and elderly Americans.

In fact, I think much of Treasury's proposals spell disaster for average consumers.

In an effort to shore up the ailing banking industry, Treasury wants to let banks get into even more risky business ventures and let big banks gobble up smaller ones.

Talk about convoluted logic.

The Treasury Department says:

"Let banks sell mutual funds."

"Let them underwrite corporate securities, sell insurance, and open branches nationwide."

[1] Office of Foreign Disaster Assistance, U.S. Agency for International Development, December 1990.

[2] *News from Africa Watch*, October 26, 1990.

Mr. President, granting banks additional risky powers and encouraging even greater financial concentration in a highly stressed industry is a blueprint for disaster.

If the banking system ruptures, taxpayers will be faced with a bailout that will make the savings and loan crisis look like a picnic.

Even if the system holds together, Treasury's proposals will no doubt result in the closure of many neighborhood banks and further limit the availability of basic banking services for many Americans. Fees for regular banking services and products will go up, not down, and be put out of reach for more Americans.

Mr. President, I am reintroducing my bills on Government check cashing and basic banking today because they absolutely belong in any debate involving banking reform.

For too long, the banks and savings and loans have been playing a stall game on these issues.

Last year, the financial community marshaled its forces to tip the scales against a modest compromise I offered dealing solely with Government check cashing.

Even though we lost that one, albeit by a narrow margin, I believe we are in a good position to pass even stronger measures this year.

The need is definitely there.

Today's financial market offers a wide array of customer services but they've become a luxury many Americans simply can't afford. Large deposit requirements and huge transaction fees have made banking accounts far too expensive for many families. According to GAO, one in five families has no relationship with a bank.

In fact, Mr. President, many low-income and elderly persons cannot even find financial institutions to cash their Social Security and welfare checks. Many of these institutions simply refuse to cash such checks for noncustomers at any price.

According to a survey by the American Association of Retired Persons, 9 out of 10 financial institutions in metropolitan areas refuse to cash Government checks for nonaccount holders.

Many individuals have no choice but to cash Government benefit checks at outlets charging exorbitant fees. It's a disgrace. And the problem could worsen, especially in light of the Treasury Department's push for expanded powers and interstate banking.

Let's listen to the concerns of low-income and elderly Americans who have been driven from the banking system.

Let's increase citizen access to financial institutions. Let's pass basic banking and Government check cashing legislation once and for all.•

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. MITCHELL, Mr. PACKWOOD, Mr. DURENBERGER, Mr. RIEGLE, Mr. BOREN, Mr. PRYOR, Mr. GRASSLEY, Mr. HEINZ, Mr. MCCAIN, Mr. WALLOP, Mr. CRANSTON, Mr. KERRY, Mr. BINGAMAN, Mr. BURDICK, Mr. LAUTENBERG, Mr. LEVIN, Mr. SANFORD, Mr. KOHL, Mr. BURNS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DODD, Mr. LOTT, Mr. COHEN, Mr. ROTH, Mr. SYMMS, Mr. BOND, Mr. LEAHY, Mr. RUDMAN, Mr. SHELBY, Mr. HELMS, Mr. LUGAR, and Mr. DECONCINI):

S. 416. A bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities; to the Committee on Finance.

RESEARCH AND EXPERIMENTAL TAX CREDIT

• Mr. DANFORTH. Mr. President, I am introducing today S. 416, a bill to make the R&E tax credit—a fundamental element of America's competitiveness strategy—permanent.

The R&E tax credit was originally enacted in 1981 to provide an incentive to increase private spending on research. In fact, when the credit was enacted in 1981, it was a 25 percent credit on the increment of current R&E over the prior three years of spending. Thus, the full value of the credit was considerably less than the 25-percent statutory rate. Nonetheless, in 1986, when the credit was revised to cut back on the types of activities that could be considered eligible for the credit, the rate was reduced to 20 percent. This cut-back represented a 20 percent reduction in the level of incentive extended to companies contributing to this important goal. Moreover, the passage of the 100 percent deduction disallowance—denying taxpayers the ability to deduct, under section 174 their credit benefits—reduced the credit's effective rate of 13.2 percent.

In 1989, however, new legislation was passed establishing a historical fixed base over which a taxpayer's yearly research expenditures are entitled to credit benefits. By making the base for qualified R&E spending independent of the firm's current R&E decision, this new structure dramatically increased the incentive effect of the tax credit. The credit rate remained at 20 percent. This legislation was a step towards solving the problem of low private investment by American companies. It did not, however, completely solve the problem, for once again the R&E tax credit expires, this time at the end of 1991. It is time we make the tax credit permanent.

The General Accounting Office concluded that the R&E tax credit stimulated approximately $2.5 billion in research spending between 1981 and 1985. Under the current legislation, the estimates for R&E spending over the period 1991-95 are even more encouraging. Economists Martin Baily and Robert Lawrence estimate that during this period private companies will increase their R&E spending between $18 billion and $51.5 billion given the new credit structure.

No matter how encouraging these figures may be, we cannot afford to be complacent with America's research spending. We must enact the most efficient credit possible to ensure that the United States retains its position at the forefront of high technology, research, and development. The full effectiveness of these improvements will never be realized until industry can rely on a permanent R&E tax credit being in place.

The effectiveness of the tax credit in increasing spending on research has been documented in several studies. For example, economists Martin Baily and Robert Lawrence concluded after an extensive 1985 study that R&E increased by more than 7 percent from normal expectations because of the tax credit then in place. In 1987, after another comprehensive study, the economists concluded that the ratio of R&E spending to output more than doubled during the years the tax credit was in effect as compared to the years prior to the enactment.

The economists also examined the effect of the tax credit on a firm's incentive to invest in research. Baily and Lawrence anticipate that should the current tax credit be made permanent, the incentive to conduct research would be between 12 and 13.5 percent, nearly double the incentive in place during 1981-85, and nearly quadruple the incentive in place in 1989.

There has been an indication, however, that many firms have not taken full advantage of the tax credit due to the uncertainty of whether the R&E tax credit would be extended. During 1988 and 1989, for instance, there was a leveling off of R&E spending from expectations. This stagnation may in part be attributed to the uncertainty caused by the frequent short-term extensions to the tax credit. Therefore, to prevent this uncertainty, I am introducing this legislation.

There are a variety of benefits to making the R&E tax credit permanent. Since the private sector performs the overwhelming majority of research, the Federal Government can most effectively increase spending on research by encouraging the private sector with a tax credit. Economists Martin Baily and Robert Lawrence suggest that for each 1 percent reduction in the cost of R&E, a company will likely increase its spending on research between 0.2 and 1 percent. Moreover, any new innovation will be a benefit to the specific firm which developed the improvement as well as to the entire industry.

Remember, the goal of the R&E tax credit is to encourage a firm to invest in research at a higher level than it would without the credit. Importantly, many foreign nations, including

France, West Germany, Japan, and Great Britain, spend more to promote R&E, relative to gross national product, than does the United States. Moreover, while many private Japanese firms have recently increased their R&E spending, R&E spending by a wide variety of American companies remains stagnant.

President Bush argued in his 1991 budget message that "Investment in research and development is a top priority for an Administration that believes in investing in the future." Clearly, then, a greater investment in research is needed for the United States to remain competitive in this increasingly global marketplace.

The 1989 R&E legislation was a solid step towards the achievement of this goal. Nevertheless, the goal, although within our reach, will not be attained until companies are able to make effective use of the current legislation. The simple fact is that to make efficient use of the R&E tax credit, companies require the certainty found only in a permanent tax credit.

Essentially, the passage of this bill is merely a question of whether or not we want our businesses to remain competitive. If companies know that the current R&E tax credit will be available in the future, it will enable them to effectively plan for the future. The development of new products and technologies are essential to our continued economic growth. We should, therefore, encourage firms to take the risk necessary to develop such innovations by making effective use of the R&E tax credit. Again, the most efficient use of the credit will occur only when businesses know that this credit will be in placed tomorrow.

The revenue cost of the bill as a whole is minimal compared to the long-run benefits to the American industry in the world economy.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 416

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

SECTION 1. RESEARCH AND EXPERIMENTAL CREDIT MADE PERMANENT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h) (relating to termination of the credit).

(b) CONFORMING AMENDMENT.—Section 28(b)(1) of such Code is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.•

• Mr. BAUCUS. Mr. President, for 9 years, Senators and Representatives have stood on the floors of both Houses urging that the research and experimentation [R&E] tax credit be made permanent. For 9 years, members of Congress from both sides of the aisle have endorsed provisions to make the R&E credit permanent; for years, a majority of both Houses of Congress have supported permanent R&E credit bills. For years, successive administrations have backed a permanent R&E credit. In fact, in last week's State of the Union message, President Bush asked us again to make the R&E tax credit permanent. For years, we have enacted only short-term extensions.

Our lack of action has begun to take its toll. Recent forecasts by Battelle Memorial Institute indicate that R&E spending has begun to decrease. Battelle predicts that real R&E spending next year will rise only 1 percent—one quarter of the average rate of increase during the last decade. In the face of our overall national economic situation, U.S. companies need an incentive to spend now to remain competitive in the future.

Along with my distinguished colleagues, I stand before you today to give the Senate another chance to practice what we preach and to be sure our actions speak louder than our words. I am introducing S. 416, a bill to make the R&E tax credit permanent.

The R&E tax credit was established in 1981 as a 25-percent incremental credit extending through 1985. In 1986, the credit was extended for 2 years, but the rate was cut from 25 to 20 percent. In 1988, the credit was again extended for 1 year. Again in 1989, Congress extended the credit for 1 year at a 9-month value, but made changes that increased the incentive effect and investment value for established as well as start-up companies. In the 1990 budget reconciliation bill, the credit was extended again for 15 months.

Making the R&E tax credit permanent is one of the most significant steps the 102nd Congress can take to increase American innovation and competitiveness. Since the R&E tax credit was first established, studies have shown that it stimulates new R&E. Martin Bailey and Robert Lawrence, of the Brookings Institution, estimate that due to the R&E tax credit, there was a 7-percent increase in research and experimentation from 1981–85. In a subsequent report, they conservately estimate that, based on the R&E tax credit structure changes made in 1989, R&E spending from 1991–95 could increase by $25.7 billion.

Corporate research managers, however, have not been able to tap the full incentive effect of the credit. Because the credit is only extended for short periods of time, research managers have not been able to count on the credit's continued experience when they plan their long-term investments in R&E. We have the opportunity to greatly enhance the potential of U.S. companies, both large and small, to perform more research and development by making the R&E tax credit permanent this year.

With this bill, we also have the opportunity to make the basic research credit a permanent part of our tax structure. The basic research credit facilitates the commercialization and marketing of new ideas by encouraging corporate/academic collaboration. Under the basic research credit, companies receive a 20 percent tax credit for grants, contributions, and contract payments (above a certain fixed base amount) that are made for basic research and that are paid to colleges, universities, and nonprofit research institutes.

So much of what we take for granted depends on the ability of America's science community to develop new ideas which can be incorporated into products and services. It is time for us to do our part. It is time to stop talking and start acting. It is time to make the R&E tax credit permanent.•

By Mr. LIEBERMAN:

S. 417. A bill to establish energy conservation and clean energy requirements for Federal buildings, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL ENERGY MANAGEMENT AMENDMENTS ACT

• Mr. LIEBERMAN. Mr. President, in the areas of energy efficiency and pollution prevention, this Nation has a great need to put its house in order. Our dependence on foreign imports to meet our voracious energy appetite has wreaked havoc with our lives and the sheer bulk of our energy use has placed great burdens on our fragile environment. Therefore, today I am pleased to introduce the Federal Energy Management Act of 1991. This act will begin the process of reducing our country's dependence on imported oil. I am also pleased that major portions of this act have been included in the National Energy Policy Act of 1991, introduced by my esteemed colleague, Senator WIRTH, from Colorado.

The volatile situation in the Middle East underscores the continued vulnerability our Nation faces in powering our massive economic engine with imported oil—our energy trade deficit looms ever-larger; we are subject to price and supply disruptions outside of our control; and our international competitiveness in new energy technology is in jeopardy. Add to this the continuing struggle we are waging with our environment, and you have a situation crying out for a solution. Mr. President, a solution is available if we have the will to implement it. We must make conservation, energy efficiency, and alternative clean energy technology the cornerstones of our national strategy if we are to successfully address our growing economic, energy supply, and environmental problems.

The last 10 years have seen an 80 percent decrease in the Department of Energy's funding of research and development in renewable energy sources and energy conservation, at a time when oil imports have increased dramatically, reversing a downward trend in the early part of the decade. This record is appalling. The Federal Government is the largest consumer of energy in this country, spending some $4 billion to power Federal facilities in the United States each year, and it ought to take the initiative. It should be pursuing, right now, a forward-looking energy policy geared toward the early commercialization of clean and efficient alternative sources of energy, using our energy-guzzling Federal facilities as a proving ground. Instead, there has been a declining trickle of Federal support for basic research in renewable and alternative clean energy, and a lack of resolve to follow through with the funds needed to provide the final boost toward commercialization.

Promising technologies now exist which would reduce America's dependence on imported oil, while offering tremendous environmental benefits. Major research advances have occurred in fuel cells, photovoltaic cells, solar thermal systems, and geothermal, wind, and biomass systems. Most of these technologies are pollution-free and compare favorably with traditional energy sources when the very real environmental costs of the latter sources are factored in. For example, fuel cells produce virtually pollution-free energy without combustion, achieving overall efficiencies which can exceed 80 percent, when cogenerated heat is recaptured. In contrast, traditional power generating sources have efficiencies in the neighborhood of 30 percent. Yet, fuel cell manufacturers and other innovative energy industries are struggling in this country because they lack the Federal support that prudent energy policy would dictate.

Even as they struggle in this country, however, alternative energy industries form the basis of aggressive energy stategies in Japan and West Germany, countries whose economies are world models for efficiency and productivity. It is no accident that both of these countries have ambitious energy conservation programs and are right now making massive investments in alternative energy technology. Japan plans to satisfy up to 15 percent of its electric power requirements from fuel cell technology by the year 2000. To that end, it is actively pursuing alliances with United States companies to capitalize on technological developments which our country pioneered. Japan and West Germany are both enthusiastically embracing solar energy, and each has made major investments in American solar concerns.

It is a time to seek out new ways to meet our energy requirements which are more efficient and less harmful to the environment. This legislation takes very important steps forward to address this situation.

First, section 4 of the legislation amends the National Energy Conservation Act to require Federal agencies to adopt cost-effective energy conservation programs at federally owned or leased facilities. It provides a specific procedure for Federal facility managers to use to enter into shared savings, energy conservation contracts.

In the short-term, simple conservation measures hold great promise for improving our energy and environmental picture, with comparatively little effort. And this is the area which is particularly appropriate for Federal leadership. In the wake of Iraq's invasion of Kuwait, President Bush identified energy conservation, for the first time in my memory, as an important step to address potential oil supply shortfalls. It should not take an act of blatant aggression in the international arena to elicit support from the administration for energy conservation. Common sense ought to suffice. The truth is that energy conservation requirements for Federal facilities have been on the books for several years now, and they have been largely ignored.

Our Government has failed to implement conservation measures in its facilities which would ultimately save the taxpayers billions of dollars in energy savings. The Department of Energy has admitted that just reducing Federal lighting energy needs by 25 percent would save taxpayers up to $930 million per year. This is not a pipe dream, Mr. President—savings of this magnitude are easily achievable today, with new compact fluorescent bulbs that use about one-quarter as much energy as typical incandescent bulbs and can be installed in existing fixtures. In addition, various conservation programs sponsored by electric utilities boast large payoffs and are literally available for the asking, because they would involve no up-front costs, but would instead provide utilities a share of the savings. Unfortunately, the administration has been slow to implement these and other beneficial programs.

Not only must energy conservation and efficiency be the centerpiece of the Nation's energy policy but they are an integral part of the solutions to our Nation's clean air problems—acid rain, smog, air toxics.

The solutions to acid rain and smog are intrinsically tied to the demand, supply, and consumption of energy. As a result, the line between energy and environmental policy has become blurred.

The demand for and generation of electricity from traditional fuel sources is at the heart of not only the acid rain problem, but also global warming. As the largest single consumer of electricity, the Federal Government is part of the problem. This legislation takes steps to reduce the contribution of the Government to acid rain as well as to overall carbon dioxide emissions.

Energy conservation is, quite simply, the most effective, cost-efficient, and natural resource protective technology available to prevent acid rain. Conservation reduces electric demand. Reduced electric demand leads directly to reduced electric generation. It saves money, reduces our dependence on fossil fuel and foreign sources, and protects the environment. It is that simple.

In the Clean Air Act we have required private industries to reduce emissions. But instead of playing a leadership role, the Government is remaining part of the problem of acid rain and global warming. This legislation directs the government to do its part by practicing electric energy conservation.

Section 4 may require some upfront investment to implement. But overall, it is a big money-saver. A 25 percent reduction in Federal energy consumption can save the taxpayers $1 billion a year.

The shared savings provisions in the bill—discussed below—can significantly reduce initial investments.

The legislation only requires Federal agencies to adopt conservation measures that are cost effective. It requires each Federal agency to install energy conservation and efficiency improvements that have a pay-back time of 10 years or less.

Section 4 directs Federal agencies to use the cost-effectiveness formula developed by the National Institute of Standards and Technology. This formula allows the Department of Energy to incorporate environmental externalities in its life-cycle cost methodology. The study required in section 7 of the legislation will determine specific values to be assigned to environmental externalities. The determination of these values is an important step that is already being implemented by the New York State Public Utility Commission and is under consideration in other states. Further, the incorporation of environmental externalities is a high priority of the conservation committee of the National Association of Regulatory Utility Commissioners. The best incentive for true efficiency in the energy sector is an honest accounting of all costs associated with energy generation. Determining the value of environmental externalities provides the market with the information it requires to meet our energy needs in the most efficient manner.

The problem is that too many perceive these technologies as still being

in the idea stage with little application in the real world. We are continually told that these technologies are unproven, prohibitively expensive, and, if they're ever going to be available, it's in the far, distant future. But the truth is that we are much further along. A recent DOE initiative focused on energy conservation in Federal and commercial buildings, solar energy, and similar energy saving innovations. DOE projects that, with an investment of $336 million over 5 years, the potential total payback for the country is $32 billion over 20 years. That represents a savings of some $100 for every $1 of investment.

The DOE initiative also indicates that it will assist other Federal agencies in developing innovative financing options that would minimize the need for upfront Federal investments. Section 4 establishes a specific statutory framework for procurement officials in all agencies to use these innovative shared energy savings contracts. For the last 15 years, State and local governments have been retrofitting government buildings with energy conservation improvements without any capital investment. Our friends at the state and local level have been taking advantage of alternative funding arrangements. However, the federal government has only limited involvement in these beneficial public-private partnerships.

Shared savings contracts have two important features that are of particular interest to the Federal Government.

First, an energy services company installs and pays for the energy conservation measures. It does not require an expenditure by the Federal Government.

Second, it immediately reduces the amount the Federal Government has to pay for electricity.

That's as close to a win/win situation as I've ever seen.

With these contracts, private capital will finance conservation improvements in public buildings, under section 4, with no requirement for a Federal budget commitment. Aggressive energy conservation is good energy policy, and it's good environmental policy. The least we can do is ensure that the Federal Government is a model energy consumer. Section 4 of this bill goes a long way toward making the Federal Government a leader in energy conservation.

Sections 5 and 6 of the bill also take some significant steps forward to meet our energy requirements in ways that are both more efficient and less harmful to the environment by providing for the use of fuel cells to meet electrical requirements in Federal buildings.

Fuel cells are essentially large-scale batteries which use hydrocarbon fuels, without combustion, to produce electricity, but they are remarkable batteries indeed. They are superlative energy producers, reaching efficiencies of over 80 percent if heat energy is recovered, compared to about 30 percent for traditional power plants. They are virtually pollution free and, because of their great efficiency, emit far less carbon dioxide per unit of energy produced than do traditional power-generating devices. They are quiet and modular, making them ideal for use onsite and in situations where variable power demands allow fuel cells to be combined or separated as needed. In short, the widespread use of fuel cell technology promises to reduce the Nation's energy consumption, clean up our air, reduce the threat of global warming, and improve the versatility of our energy base.

Mr. President, these are only some of the numerous benefits offered by fuel cell technology. Section 6 provides that the Secretary of Energy, in consultation with various agencies, to conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings. Section 6 requires the installation of fuel cell systems to meet energy requirements in at least 10 Federal facilities. This should do much to highlight the attributes of this technology.

The section first requires selected agencies, within 6 months of enactment of the legislation, to provide a list of candidate facilities to the Secretary of Energy. Within 6 months of receiving the list of potential projects, the Secretary, in consultation with other interested officials, would select project sites for installation of fuel cell systems. The Secretary is authorized to provide financial assistance to agencies sponsoring projects to acquire and install fuel cells manufactured in the United States and any associated equipment. The bill authorizes $30 million for fiscal years 1992-94. It also requires the Secretary to prepare a comprehensive report detailing the results of the program, so that we are provided information which might point the way to wide-scale commercial application.

Finally, section 7 requires that the administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, conduct a study to determine the cost of environmental externalities associated with renewable and clean energy sources and technologies. As noted earlier, the value of environment externalities provides the market with the information it requires to meet our energy needs in the most efficient manner. Studies done on environmental externalities—including the California Energy Commission, the American Solar Energy Society, the Franunhofer-Institute for Systems, and Innovation Research in West Germany—have found that total societal costs substantially exceed the current purchase cost of electricity generated using fossil energy when external environmental, health, safety, government subsidies and security costs are considered.

Mr. President, I like to think of a day when our Nation comes to grips with our collective energy wastefulness and environmental despoliation. Programs to decrease the consumption of energy are vital, but they are not enough. We need also to increase the efficiency of the energy we do use and to positively influence the environmental consequences of that energy use. Fuel cells are one of the promising technologies that can achieve these goals, if only we reach out for them. With the introduction of this legislation, I hope we can begin to work toward these goals.

I request that the full text of this legislation be printed in the RECORD.

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

S. 417

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 "Federal Energy Management Amendments Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) scientific evidence demonstrates that the atmosphere of the Earth is being affected by the generation from natural and manmade sources of carbon dioxide and other greenhouse gases;

(2) trends in the concentration of such greenhouse gases in the atmosphere will result in global changes in climate, with significant economic, social and environmental implications for humankind, including effects on agricultural production, water supplies, and wetlands;

(3) the United States has 5 percent of the world's population and yet consumes more than 20 percent of the world's fossil fuels and emits more than 20 percent of the world's carbon dioxide derived from the combustion of fossil fuels;

(4) the United States consumes fossil fuels on a per capita basis at four times the worldwide average in many other highly industrialized countries; and

(5) high rates of energy consumption in the United States contribute to global warming, urban smog, acid rain, oil spills, and other environmental pollution problems.

SEC. 3. PURPOSES.

The goals of this Act are—

(1) to increase the energy efficiency of existing technologies;

(2) to ensure that Federal agencies adopt cost-effective energy conservation measures;

(3) to encourage investment in clean alternative energy resources, including fuel cells, solar, wind energy; and

(4) to encourage investment in energy efficient equipment and technology.

SEC. 4. FEDERAL ENERGY CONSERVATION MANAGEMENT AMENDMENTS.

(a) GOALS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended to read as follows:

"SEC. 543. ENERGY MANAGEMENT GOALS.

"(a) ENERGY MANAGEMENT REQUIREMENT FOR FEDERAL BUILDINGS.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. By January 1, 1993, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved. Subject to the availability of appropriated funds, each Federal agency shall have substantially completed at least 25 percent of the projects on the list or projects on the list that would account for 25 percent of total energy savings, by January 1, 1995. If any agency has not met this requirement, such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. If any agency has not met the requirements of this section for the year 2000, then such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. The Secretary may waive the requirements of this section if the Secretary finds that an agency is taking all practicable steps to meet the requirement and that the sanctions of this section will pose an unacceptable burden upon the agency. If the Secretary waives the requirements of this section, he shall notify Congress promptly.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impractical. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, and the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548 the Federal buildings designated by it for such exclusion. The Secretary of Energy shall review such findings for consistency with the impracticability standards set forth herein, and may within 90 days after receipt of the findings, reverse a finding of impracticability, in which case, the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.

"(b) IMPLEMENTATION STEPS.—To achieve the goal established in subsection (a), the Secretary of Energy shall consult with the Secretary of Defense and the Administrator of General Services in developing guidelines for the implementation of this part, and each agency shall—

"(1) prepare or update, within 6 months after the date of the enactment of the Federal Energy Management Amendments Act of 1991, and submit to the Secretary of Energy a plan describing how the agency intends to meet such goal, including how it will implement this part, designate personnel primarily responsible for achieving such goal, and identify high priority projects; and such plan shall include steps to take maximum advantage of contracts authorized under title VIII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

"(2) perform energy surveys of its Federal buildings to the extent necessary, and update such surveys periodically, but not less than every 36 months;

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;

"(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in section 544; and

"(5) ensure that the operation and maintenance procedures applied under this section are continued.".

(b) LEASED BUILDINGS.—The National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.) is further amended as follows:

(1) in section 544(a), delete "National Bureau of Standards," and insert in lieu thereof "National Institute of Standards and Technology,";

(2) delete "; and" at the end of paragraph (a)(1) and insert in lieu thereof the following: ". These methods shall also incorporate the value of environmental externalities as determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary, as set forth in section 7."; and

(3) in section 544(b), amend paragraph (2) to read as follows:

"(2) In leasing buildings for its own use or that of another agency, each agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government owned and leased space constructed after January 1, 1994, shall meet model Federal building standards for energy efficiency.";

(4) in section 545, immediately after "measures" insert "as needed to meet the requirements of section 543";

(5) amend section 546(b) to read as follows:

"(b) IMPLEMENTATION.—To facilitate the financing of energy conservation measures, each Federal agency shall promote the use of contracts authorized by title VIII of this Act (42 U.S.C. 8287 et seq.). Each agency shall procure such contracts, notwithstanding any other procurement requirements, by utilizing the following procedures:

"(1) By January 1, 1992, each Federal agency shall encourage firms engaged in providing energy services to submit annually a statement of qualifications, including financial and performance information. Each agency shall, by June 1, 1992, and annually thereafter, designate and list, from these submissions, those firms that are presumptively qualified to provide energy services. Such qualifications shall be based upon criteria published by each agency. The Secretary of Energy, in consultation with the Secretary of Defense and the Administrators of the Environmental Protection Agency and the General Services Administration, may issue a form for use by the agencies to obtain the necessary information and provide for other means to facilitate the qualification process.

"(2) The agency shall select three firms from the qualifying list, or from formal proposals supplied by other firms, to conduct discussions with same concerning each proposed agency project undertaken pursuant to section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287). The selection shall be based upon criteria established and published by each agency. The agency may request a technical and price proposal from the three firms.

"(3) The agency shall select from the three firms the best qualified firm to provide energy services at a contractual arrangement that the agency determines is fair and reasonable to the government, taking into account the estimated value and cost of the services to be rendered, and the scope and nature of the project. The agency is authorized to enter into a contract with this firm. In the event that the agency cannot execute a satisfactory contract with this firm, the agency shall then proceed to negotiate a contract with one of the remaining firms. If the agency is unable to execute a contract with the second firm, the agency may negotiate with the remaining firm, or select another firm from the qualified list on file. The agency is not obligated to enter into a contract if it determines it is undesirable to do so.

"(4) Each Federal agency shall endeavor to do at least three contracts in 1992 and six contracts in 1993 employing this procedure, and then, as required in the plan to be submitted pursuant to section 543(b), shall use these contracts to the maximum extent practicable. In the plans submitted pursuant to section 543(b), the Agencies shall report on their experience with these contracts in 1992 and 1993";

(6) in section 548:

(A) delete the word "Each" in subsection (a) and insert in lieu thereof the following: "In addition to the plan required to be submitted to the Secretary pursuant to section 543(b)(1), each"; and

(B) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b);

(C) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

SEC. 5. FUEL CELLS JOINT VENTURE.

Subsection 6(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218) is amended by adding a new paragraph (6) as follows:

"(6)(A) The Secretary shall solicit proposals for, and provide financial assistance to, at least one joint venture for the demonstration of fuel cells technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells.

"(C) There are authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out this paragraph.".

SEC. 6. AMENDMENT.

Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251-8261) is amended by adding the following new part after section 569:

"PART 5—FUEL CELLS

"SEC. 571. DEFINITIONS.

"For purposes of this subtitle the term—

"(1) 'Federal building' shall mean 'Federal building' as defined by section 549(6); and

"(2) 'Task Force' shall mean the Interagency Energy Management Task Force established pursuant to section 547, except

that, for purposes of this subtitle, the term 'Task Force' shall include the Environmental Protection Agency.

"SEC. 572. FUEL CELL PROGRAM.

"The Secretary, in consultation with the Task Force, shall conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings.

"SEC. 573. PURPOSES.

"The purposes of this program are to—

"(1) improve the efficiency and reduce the environmental consequences of the nation's electric generation capability;

"(2) stimulate the creation of new industries and job opportunities in efficient and environmentally sound energy technologies; and

"(3) develop cost, efficiency, performance, environmental, and reliability data on fuel cell systems used in the production of electricity.

"SEC. 574. IMPLEMENTATION AND ACQUISITION.

"(a) PLAN.—In preparing or updating the plan required by section 543(b)(1), each agency on the Task Force shall identify at least two potential projects for the demonstration of the application of fuel cell systems for the production of energy to satisfy electrical and other energy requirements of Federal buildings.

"(b) PROJECTS.—Not later than 6 months after the submission to the Secretary of such plan, including the list of potential projects required under subsection (a), the Secretary, in consultation with the Task Force, shall identify a minimum of 10 projects for implementation pursuant to subsection (c) and shall make a report of his selection including the basis therefor, to the Congress.

"(c) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to agencies sponsoring projects, identified under subsection (b), to acquire and install in Federal buildings fuel cell systems manufactured in the United States and any associated equipment which may be necessary for the implementation of any of the listed projects. In selecting among qualified projects for financial assistance, the Secretary, in consultation with the Task Force, may consider the cost of the electricity to be generated; the extent of cost-sharing provided by other agencies for the acquisition of new equipment; the appropriateness of the locations, sites, and structures in question; the adaptability of facilities to program requirements; whether Federal buildings undergoing new construction or renovation offer advantages of cost-efficiency or ease of installation over existing Federal buildings; and such other factors that, in the judgment of the Secretary and the Task Force, may affect the benefits or costs of the fuel cell program.

"(d) REPORT.—Not later than January 1, 1996, the Secretary, in consultation with the Task Force, shall submit a report to Congress on the program authorized by this subtitle, which shall include information comparing the cost, efficiency, performance, environmental advantages, and reliability of fuel cells to other existing technological means of generating electricity, using data obtained from the operation of fuel cells acquired under this program. Such report shall also contain a discussion of all technical and economic issues which, in the judgment of the Secretary, might prevent the commercial use of fuel cells or restrict the use of fuel cells in certain applications and an analysis, including recommendations, of the steps needed to overcome such restrictions. A copy of such report shall be provided to each agency for further implementation of fuel cell projects consistent with the provisions of section 543(a), as appropriate.

"SEC. 575. AUTHORIZATION.

"There is authorized to be appropriated to carry out the provisions of this subtitle a total of $30,000,000 for fiscal years 1992 through 1994.".

SEC. 7. STUDY ON LIFE CYCLE COST METHODS AND PROCEDURES.

Section 545 of the National Energy Conservation Policy Act (42 U.S.C. 8255) is amended by adding at the end thereof the following:

"(d) STUDY ON LIFE CYCLE COST METHODS AND PROCEDURES.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall conduct a study to determine the cost of environmental externalities associated with the use of different fuels, renewable and clean energy sources and technologies, and shall prepare a report assigning monetary values to such environmental externalities and describing the methodology used to obtain such values. Such report shall include a review of States' efforts or requirements by States to assess environmental externalities as part of their regulation of utilities, or other regulatory processes. The report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Energy and Commerce of the House of Representatives within 18 months following the date of enactment of this subsection.".●

By Mr. HATCH:

S. 418. A bill to strengthen the family structure of the United States by providing protection for eligible individuals who desire or need to leave employment for a legitimate family purpose; to the Committee on Labor and Human Resources.

AMERICAN FAMILY PROTECTION ACT

Mr. HATCH. Mr. President, today I am pleased to introduce legislation that will facilitate a greater level of stability, comfort, protection, and security for many families in Utah and across the United States. The legislation will safeguard the jobs and accumulated work equity of individuals who serve as both parents and workers.

PROBLEM

The traditional distinctions between work and family obligations are no longer as clear as they once were. Social shifts and radical demographic changes have resulted in what some have termed a family crisis.

Whether we have reached crisis level or not, the "Leave It to Beaver" image of the American family is not reality in the 1990's. According to the Bureau of Labor Statistics [BLS], both mother and father now work outside of the home in 63 percent of the Nation's households. This represents a more than 10-percent increase in just 10 years.

As late as 1976, women comprised 40.5 percent of the work force. By 1988, women comprised 45 percent of the work force. And, more significantly, women are expected to account for almost two-thirds of the net new entrants into the work force over the next decade.

This is truly a picture of sweeping change. But, while these changes have been occurring, the needs of our children have remained constant. And, despite a seemingly inexhaustible supply of parental love, simple logistics often make it impossible to meet the needs of our children.

Mr. President, I believe that each of us, without exception, wants to help families achieve a full measure of fulfillment. But, as we struggle to address the obstacles encountered by these families, I suggest that we analyze any proposed solution in terms of its ability to meet unique circumstances and diverse needs.

H.L. Mencken once observed that for every problem, there is a simple solution which is almost always wrong. In this case, the solution most often suggested is that the Government should provide a universal policy to relieve parents of the conflicts between work and family. But, any labor standard applied across the board will not work across the board. The needs of many families will remain unmet despite our good intentions here in Washington. The proposal embodied in S. 5, an approach suggested by the Senator from Connecticut, is really a mandate without a cause.

A MANDATE WITHOUT A CAUSE?

Several hearings were held during the 101st Congress on the need to strike a better balance between work and family. An additional hearing was held on January 24 of this year.

Two very clear objectives have emerged from this record. First, our Nation must better facilitate early childhood bonding between parents and their children. Second, we should provide the means to avoid the personal tragedies that occur when an individual is torn between the need to provide care for seriously ill children or elderly relatives and the possibility of losing a job.

Testimony delivered by leading experts in the field of early childhood development states that the emotional, physical, and social development of children is highly influenced by a parent's attention during the formative years directly following birth.

For instance, Dr. Eleanor Szanton, executive director of the National Center for Clinical Infant Programs, stated that this bonding process creates an "emotional root system for the future growth and development" of our children and that without it, full and adequate development of our children may be seriously lacking.

Other experts go on to point out that this bonding between parent and child is a function that simply cannot be filled in a part-time capacity. At least initially, in these first critical years of

development, it requires full-time attention from a parent.

This bonding process is also something, we are told, which cannot be accomplished in 12 weeks. According to Dr. T. Berry Brazelton, chief of the child development unit of Boston's Children's Hospital, this process demands at least 4 months. In fact, a formal advisory panel, of which Dr. Brazelton and Dr. Szanton were both members, recommended a 6-month minimum period.

So, clearly, the needs of children for a parent's attention does not magically disappear after a few weeks, or months, or years. It is an ongoing requirement. And, Mr. President, therein lies the deficiency in the legislation that has been previously proposed in that area.

A proposal that would provide 12 weeks of job protection, or any arbitrary amount of time less than that needed to accomplish this bonding function, clearly falls far short of the standard it establishes itself. It simply does not satisfy the goals that volumes of expert testimony have laid out for us.

This realization presents a dilemma. Do we shortchange families? Mandating some, but not enough does just that. On the other hand, is it reasonable to expect an employer to hold a job open for 6 months or more?

If we restrict our thinking only to the provisions of S. 5 we may never find a solution to this catch 22. The mandated approach simply does not provide enough flexibility for families or employers. There is no "Pareto optimality" here. We cannot manipulate the number of weeks of time off to arrive at a legal minimum that will satisfy the legitimate concerns of either families or employers.

The second goal of a family policy is to alleviate the conflict between work and family when a family member becomes seriously ill.

Is there a more frightening prospect than learning that your child is seriously ill and requires constant medical attention in a fight for life? The answer is yes. More frightening is the prospect that an individual will face the choice between being with that child when they are scared and hurting and permanently losing employment.

Would requiring an employer to hold a position open for up to 12 weeks solve this dilemma? No, and in some respects, it creates a dilemma of its own. By definition, a serious illness is one that could run far in excess of 12 weeks. In many cases, a serious or terminal illness requires more than 1 year of constant care before resolution.

Once again, inflexible time limitations on the amount of leave which can be taken simply does not solve the problem.

THE ANSWER: REEMPLOYMENT RIGHTS FOR ELIGIBLE FAMILY MEMBERS

Economic reality and social desirability do not have to be mutually exclusive. I suggest an alternative which will satisfy the test of fairness and economic reasonableness while fully addressing the need for facilitating improved child development and the desire to protect workers who must take leave to care for seriously ill children and close relatives.

Under the legislation I offer today, an employee could leave employment for up to 6 years for the purpose of caring for a child after birth or adoption. In general, this means a parent could care for a child from birth until that child enters first grade. Thus, this desired bonding between child and parent is truly possible. Moreover, we are not dictating to parents how much time is necessary in their case. The law will not set out how much time the Government has decided they may take. Instead, parents decide.

Under the legislation I offer today, an employee could leave employment for up to 2 years because of a serious health condition of an immediate family member for the purpose of providing necessary medical and personal care to the family member. Thus, the Hobson's choice between abandoning an ill child and laying claim to a job is avoided. And, a more realistic time period is provided for parents to remain at a side of critically ill children or for an individual to provide care for seriously ill elderly parents.

Lastly, an employee who is expecting a child could take time preceding a birth because of a serious health condition or upon advice of a physician without compromising the bonding time following the birth.

In each case, the key is to provide flexibility for families to address their individual needs. This approach provides more options for families, and it is more realistic for an employer. Unlike other proposed solutions, there is no mandate to keep a job open. When family obligations have been fulfilled, an eligible employee indicates a desire for reemployment and can return to work in the same or a similar position when it becomes available.

This approach is based on a balancing of rights and duties between employer and employee. The entitlement to this reemployment right is limited to those employees who truly desire, or need, time to perform these legitimate family purposes. And, the entitlement is only available to those employees who have worked full time and have tenure with their employer.

In keeping with a balancing of rights and duties, isn't it fair to ask the employee to provide advance notice and to provide reasonable documentation of the family purpose to prevent abuse? But, during the period in which the family purpose is being performed, isn't it also reasonable to allow an individual to work part time? Isn't it also fair to require that the individual be responsible for maintaining his or her qualifications for the job?

Assuming these obligations have been met, this eligible employee may make written application for reemployment in the same or similar position at the same location with his or her previous employer. A similar position is one with like duties and responsibilities and equivalent pay. The employee would also retain previously earned years of service and any benefits that may have accrued as a result of that service.

If such a position is available at the time an eligible employee makes application, the employer shall arrange for restoration of employment at that time. If such position is not available, the employer bears a duty to notify an employee when such similar becomes available up to 1 year following application. During this time, the employee is free to work another job without restriction.

An integral part of this approach is a provision which permits an informed employee and an employer to agree to vary the terms and conditions of reemployment before or during the eligible individual's performance of these family duties. This waiver is intended to cover situations in which a dissimilar position may be available. This provides employees with additional flexibility in returning to the work force. This waiver could also address such issues as training to remain qualified, job-related functions which could be performed at home in a part-time capacity, and any other variation of the employment relationship.

Lastly, Mr. President, this legislation establishes an enforcement mechanism under which an employee can file a charge with the Secretary of Labor alleging an employer's failure or refusal to comply with the terms of this act. Upon receipt, the Secretary must investigate the charge to determine if a reasonable basis exists for it and, based upon that investigation, make a determination to issue a complaint or dismiss the charge. Each party is notified of any determination.

If a complaint is issued, the Secretary must attempt to resolve the complaint through an informal settlement conference with the employer. If the complaint cannot be resolved to the satisfaction of the Secretary during this conference, the Secretary may file a civil action against the employer. The court may order an employer to comply with the provisions of the act and compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply.

If the Secretary decides to drop the matter following the informal conference, the eligible employee then has the right to bring a civil action with

similar remedies being available. In such an action instituted by the employee, the court may award attorney's fees to the substantially prevailing party.

CONCLUSION

That, in a nutshell, describes the system of balanced responsibilities and rights contained in this proposal. I firmly believe that my approach facilitates better harmony between work and family while recognizing the realities of modern business.

I hope employers respond to this proposal by understanding the need to accommodate these essential family functions. I also hope that employers will understand the benefits both to themselves and to the Nation, in addressing these concerns. On the other hand, I hope that employees will understand that employers need to maintain workplace stability in their absence.

Mr. President, an approach that strikes this balance is the only approach that can fully address the needs of families and our Nation's commerce. Unless both employers and employees bend a bit, both will lose. Our Nation will lose. By simply asking employees to wait for the same or similar job to become available, they can receive more than 6 years of job protection. By asking employers to suffer the process and burdens inherent in a reemployment system, our Nation's families are strengthened.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 418

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 "American Family Protection Act of 1991".

SEC. 2. PURPOSE.

The purpose of this act is to facilitate stability in United States families by providing reemployment opportunities for eligible individuals who leave employment for desired, or necessary, legitimate family purposes.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" have the meaning given the terms in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual who meets the criteria established in paragraphs (1) through (5) of section 4(a).

(3) EMPLOYEE.—The term "employee" has the meaning given the term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(4) EMPLOYER.—The term "employer" means any person engaged in commerce or in any industry or activity affecting commerce.

(5) IMMEDIATE FAMILY MEMBER.—The term "immediate family member" means—

(A) a child of a parent;

(B) a current, legally recognized spouse; or

(C) a parent.

(6) LEGITIMATE FAMILY PURPOSE.—The term "legitimate family purpose" means a purpose described in paragraph (1)(B), (2), or (3) of section 4(c).

(7) ORIGINAL POSITION.—The term "original position" means the position described in section 4(a)(2).

(8) PARENT.—The term "parent" means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, or a legal guardian.

(9) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(10) SERIOUS HEALTH CONDITION.—The term "serious health condition" means—

(A) a condition caused by an accident, a disease, or another physical condition that—

(i) poses an imminent danger of death; or

(ii) requires hospitalization; or

(B) a mental or physical condition that requires constant in-home care.

(11) SIMILAR POSITION.—The term "similar position" means a position at the same location as the original position and with like duties and responsibilities and equivalent pay.

SEC. 4. REEMPLOYMENT RIGHTS FOR ELIGIBLE INDIVIDUALS LEAVING EMPLOYMENT FOR LEGITIMATE FAMILY PURPOSES.

(a) REEMPLOYMENT RIGHTS.—An individual shall be entitled to reemployment as described in subsection (b) if the individual—

(1) was an employee of the employer from whom reemployment is sought for not less than 2,000 hours of continuous employment during the 14-month period preceding the provision of notice under subsection (d);

(2) left a currently held position with the employer for a period of time for a legitimate family purpose, as described in subsection (c);

(3) did not accept intervening employment exceeding 17.5 hours per week with any employer during the period;

(4) has provided the notice and documentation described in subsection (d); and

(5) has applied for reemployment as described in subsection (e).

(b) REEMPLOYMENT.—

(1) AVAILABLE EMPLOYMENT.—Except as provided in subsections (f) through (h), an employer shall restore an eligible individual to employment in a similar position, with any benefits and seniority accrued during prior service with the same employer if available at the time the individual applies for reemployment under subsection (e).

(2) SUBSEQUENTLY AVAILABLE EMPLOYMENT.—

(A) NOTIFICATION.—Except as provided in subsections (f) through (h), if a similar position is not available when an eligible individual applies for reemployment under subsection (e), an employer shall notify the individual of the availability of a similar position that becomes available not later than 1 year after the date the individual applies for reemployment under subsection (e).

(B) MANNER OF NOTIFICATION.—

(i) PROVISION OF ADDRESS.—An eligible individual who changes address prior to the date described in subparagraph (A) shall submit the new address to the employer by registered letter.

(ii) DELIVERY OF NOTIFICATION.—An employer shall make the notification described in subparagraph (A) by a registered letter delivered to the last address provided to the employer by an eligible individual.

(C) TIMING OF NOTIFICATION.—

(i) IN GENERAL.—Except as provided in clause (ii), an employer shall allow an eligible individual, in order to respond to the notification described in subparagraph (A), not fewer than 15 days after the date that the employer relinquishes formal control of the registered letter described in subparagraph (B)(ii) to the postal service, or other bona fide delivery system.

(ii) ECONOMIC REASONS.—If economic reasons require an employer to fill a similar position earlier than 15 days after the date described in clause (i), the employer shall—

(I) allow an eligible individual not fewer than 5 days after the date to respond to the notification described in subparagraph (A); and

(II) notify the individual of reasonable time limitations within which the individual must accept the offer contained in the notification and commence performance of the duties of the position.

(c) PERIOD OF TIME FOR A LEGITIMATE FAMILY PURPOSE.—For the purposes of this section, a period of time for a legitimate family purpose shall include a period of time—

(1) that precedes the birth of a child, taken by a mother—

(A) because of a serious health condition or on the advice of a physician; and

(B) for purposes directly related to the birth of the child;

(2) not to exceed 6 years, taken by a parent following the birth of a child for the purpose of caring for and nurturing the child; or

(3) not to exceed 2 years, taken by an individual because of a serious health condition of an immediate family member, for the purpose of providing necessary medical and personal care to the family member.

(d) NOTICE AND DOCUMENTATION.—In order to be eligible for reemployment under this section, an individual shall—

(1) provide to the employer a minimum of 30 days written notice that the individual desires, or finds it necessary, to leave the position for a legitimate family purpose, unless under the totality of the circumstances it is impossible for the individual to provide such notice; and

(2) promptly furnish such reasonable documentation as the employer may request of the legitimate family purpose that prompted the provision of notice under paragraph (1), unless under the totality of the circumstances it is impossible for the individual to promptly furnish the documentation.

(e) APPLICATION.—In order to be eligible for reemployment under this subsection, an individual shall submit a written application to the employer that demonstrates that the individual remains qualified to perform the duties and responsibilities of the original position that existed at the time the individual gave the notice described in subsection (d)(1).

(f) PRIOR RIGHT OF REEMPLOYMENT.—If two or more eligible individuals seek to exercise reemployment rights established under this Act in conflict, the individual who first made application for reemployment shall have the prior right to be restored to employment. Restoration of an eligible individual to employment shall not otherwise affect the reemployment rights of other eligible individuals wishing to be similarly restored.

(g) EXEMPTION.—An employer shall not be subject to this Act with respect to an eligible individual if—

(1) circumstances have so changed, between the time that the employer received the notice described in subsection (d)(1) and the time the individual applies for reemployment under subsection (e), as to make reemployment unreasonable; or

(2) the employer instituted formal or informal disciplinary action against the individ-

ual prior to delivery by the individual of the notice described in subsection (d)(1).

(h) WAIVER.—

(1) AVAILABILITY.—Absent coercion by either party, an employer and an employee of the employer may jointly agree, in writing, to vary the requirements and conditions of the reemployment rights provided under this section.

(2) EXPLANATION.—

(A) REQUIREMENT OF RECEIPT.—In order for the waiver described in paragraph (1) to have effect, the employee described in paragraph (1) must receive a written explanation of the rights and remedies provided under this Act before signing the waiver.

(B) MODEL EXPLANATION.—The Secretary shall prepare and publish in the Federal Register a model written explanation of the rights and remedies provided under this Act. An employer may legibly reproduce the model explanation and generally distribute the explanation annually, or post the explanation permanently in a conspicuous place in the workplace, in order to satisfy the requirement described in subparagraph (A).

SEC. 5. ENFORCEMENT.

(a) ENFORCEMENT BY THE SECRETARY.—

(1) CHARGE.—In order to obtain enforcement of this Act any eligible individual who believes that an employer has failed or has refused to comply with the provisions of this Act shall file a charge with the Secretary within 180 days of the failure or refusal. Upon receipt, the Secretary shall investigate the charge to determine if a reasonable basis exists for the charge.

(2) DISMISSAL OF CHARGE.—If the Secretary determines that there is no reasonable basis for the charge, the Secretary shall dismiss the charge and promptly notify the eligible individual and the employer named in the charge of the dismissal.

(3) ISSUANCE OF COMPLAINT.—If the Secretary determines that there is a reasonable basis for the charge, the Secretary shall issue a complaint based upon the charge and shall promptly notify the eligible individual of the issuance.

(4) ACTION.—If the Secretary issues a complaint under paragraph (3), the Secretary shall attempt to resolve the complaint with the employer through an informal conference. If the Secretary is unable to resolve the complaint as a result of such informal conference—

(A) the Secretary may file a civil action in the United States district court for the district in which the eligible individual described in paragraph (1) sought reemployment; or

(B) dismiss the complaint with notice to the individual and the employer named in the charge.

(5) BURDEN OF PERSUASION.—In any civil action brought under paragraph (4) with respect to an eligible individual, the Secretary shall have the burden of persuasion that the individual—

(A) has satisfied the requirements in paragraphs (1) through (5) of section 4(a); and

(B) is qualified to perform the duties and responsibilities described in section 4(e).

(6) REMEDY.—If a court finds, in an action brought under this subsection, that the employer has failed to comply with this Act with respect to an eligible individual, the court may order an employer to comply with the provisions of this Act and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with this Act.

(b) ENFORCEMENT BY AN ELIGIBLE INDIVIDUAL.—

(1) ACTION.—If the Secretary issues notice to an eligible individual under subsection (a)(4)(B), the individual may bring a civil action in the United States district court for the district in which the individual sought reemployment.

(2) BURDEN OF PERSUASION.—An eligible individual who brings a civil action under this subsection shall have the burden of persuasion regarding the elements described in subparagraphs (A) and (B) of subsection (a)(5).

(3) REMEDY.—

(A) COMPLIANCE OR COMPENSATION.—If a court finds, in an action brought under this subsection, that an employer has failed to comply with this Act, the court may order the employer to comply with the provisions of this Act and to compensate the individual for any loss of wages or benefits caused by the failure of the employer to comply with this Act.

(B) ATTORNEY'S FEES.—A court may award attorney's fees to the prevailing party in an action brought under this subsection, if the court determines that the award is appropriate.

SEC. 6. CONSTRUCTION.

This Act shall not be construed—

(1) to grant an eligible individual any rights to seniority, status, benefits, or rates of pay beyond the rights possessed by the individual at the time the individual presented a notice to an employer under section 4(d)(1); or

(2) to impose on an employer any nonvoluntary obligation to provide training of any type, or to offer reemployment in any position, or at any other location, than that specifically stated in this Act.

By Mr. RIEGLE:

S.J. Res. 69. Joint resolution to designate the week commencing May 5, 1991, through May 11, 1991, as "National Correctional Officers Week"; to the Committee on the Judiciary.

NATIONAL CORRECTIONAL OFFICERS WEEK

• Mr. RIEGLE. Mr. President, I rise to introduce a joint resolution designating the week of May 5 as "National Correctional Officers Week."

Make no mistake about it; correctional officers have a tough job. Our prison population is at an all-time high. Today, correctional officers are responsible for over 750,000 prisoners, many of them dangerous and violent. Correctional officers must not only keep the peace in these facilities, but they also must work to help rehabilitate offenders by providing worthwhile skills and encouraging them to develop positive attitudes.

To make the job of a correctional officer more difficult, we have a critical problem with prison overcrowding. In virtually every State, correctional resources are severely stretched; for the Nation as a whole, prisons are operating at 116 percent of their capacity. We must address this matter by undertaking a comprehensive strategy to eliminate factors that lead to crime and we must better deal with those who have broken the law so we can make our communities safer.

Despite these adverse circumstances, correctional officers are doing an outstanding job and we should salute them. Congress has honored correctional officers by designating the second week in May as "National Correctional Officers Week" in 1984, 1985, 1987, and 1989. I urge my colleagues to join me again this year in support of this resolution.•

• Mr. CHAFEE. Mr. President, today I along with Senators LIEBERMAN, WARNER, JEFFORDS, DURENBERGER, and others are introducing legislation to designate April 15, 1991, as National Recycling Day. The importance of educating the public about the real benefits to society from recycling cannot be overstated.

Recycling is not a new phenomenon, at least not in concept. America's early settlers recycled as a matter of survival, turning corn husk mattresses and old clothes into quilts. Many of my colleagues will remember the materials conservation efforts during World War II, when aluminum foil was carefully saved, used automobile tires collected, and many other consumer items were recycled and put toward the war effort. In fact, most of us have recycled materials at some point in our lives—typically paper, aluminum, or glass.

While many of us may be familiar with recycling, there is still a need for public education campaigns to inform consumers that garbage does not disappear when the sanitation worker loads it into the truck. Our society must be made aware that there are very real costs, both financial and environmental, associated with the continued proliferation of municipal garbage.

In the United States today we are facing a crisis in solid waste management. The United States presently is generating about 160 million tons of solid waste per year, almost double the amount we produced in 1965. If present trends continue, the United States will generate close to 200 million tons per year by the turn of the century. Towns and cities across the United States are realizing that the city dump will be forced to close its gates in a few short years. Just in the last two decades the number of landfills accepting solid waste has been reduced dramatically, from about 30,000 to 6,000. It is becoming virtually impossible to establish any new landfill sites because of the "not in my backyard syndrome," and the rising value of land and real estate.

When confronting an urgent crisis, such as the threat to human health and the environment from burgeoning mountains of trash, it is tempting to look to technology to provide us with the easy solution. Such technological fixes, however, will not eliminate the undeniable need for significant changes in the way we conduct our daily lives. Not only must we find more environmentally sound ways of handling municipal trash, but we must also greatly reduce the amount of garbage we generate in the first place. This will re-

quire a concerted effort on the part of consumers, manufacturers, and government. That is why we are introducing legislation to designate April 15, 1991, as National Recycling Day.

Reducing the amount of household garbage we generate poses the most difficult of public policy problems: Changing human habits. The purpose of this legislation is to encourage a public attitude that can allow these needed changes to take place. People must be made aware that their actions do have a critical impact on reducing the amount of garbage entering the waste stream.

My home State of Rhode Island, for example, was the first State to pass a mandatory recycling law. Cities and towns in Rhode Island separate recyclables such as glass, paper, aluminum, and plastics for curbside collection.

Recycling also creates employment. According to one recent study 10,000 tons of material spawns 36 jobs compared to 6 for landfilling the same amount. Some communities have formed working partnerships with workshops for the disabled, developed and administered job training partnerships, or otherwise found work for unemployed labor in recycling programs. In my own State, the Rhode Island Department of Environmental Management estimates that 300 jobs have been created by recycling.

The exciting feature of the battle against solid waste is that it can be won. Other nations are doing far better than we are. No drastic solutions are required, nor are big sacrifices sought. With relatively small changes in habits, educational initiatives, and reasonable laws we can overcome the crisis we now face. I urge my colleagues to help us move closer toward this goal by joining us in designating April 15, 1991, as "National Recycling Day."•

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. BURDICK, Mr. PELL, Mr. WARNER, Mr. INOUYE, Mr. DOMENICI, Mr. JEFFORDS, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. CONRAD, Mr. MURKOWSKI, Mr. FORD, Mr. HOLLINGS, Mr. LEVIN, Mr. ADAMS, Mr. NUNN, Mr. KERRY, Ms. MIKULSKI, Mr. CRANSTON, Mr. PRYOR, Mr. GORE, Mr. SASSER, Mr. AKAKA, Mr. SANFORD, Mr. BUMPERS, Mr. MOYNIHAN, Mr. DIXON, Mr. GORTON, Mr. WELLSTONE, Mr. DODD, Mr. GRAHAM, Mr. FOWLER, Mr. SARBANES, Mr. SYMMS, Mr. DASCHLE, Mr. DECONCINI, Mr. D'AMATO, Mr. REID, Mr. THURMOND, Mr. LUGAR, Mrs. KASSEBAUM, Mr. KASTEN, Mr. HATCH, Mr. COHEN, Mr. PACKWOOD, Mr. BRYAN, Mr. KENNEDY, Mr. BIDEN, Mr. SIMPSON, Mr. BREAUX, Mr. SIMON, Mr. BOREN, Mr. METZENBAUM, Mr. ROTH, Mr. HEINZ, Mr. BROWN, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HELMS, Mr. BOND, Mr. EXON, Mr. CRAIG, Mr. COCHRAN, Mr. KERRY, AND Mr. HEFLIN):

S.J. Res. 70. Joint resolution to establish April 15, 1991, as "National Recycling Day"; to the Committee on the Judiciary.

NATIONAL RECYCLING DAY

• Mr. LIEBERMAN. Mr. President, I am pleased to introduce, along with Senator CHAFEE and 64 of our colleagues legislation to designate April 15, 1991, as "National Recycling Day."

This Nation is currently facing a solid waste disposal crisis, caused by the growing volumes of garbage and the shrinking number of places to put it. Every 5 years, the average American discards an amount of waste equal in volume to the Statue of Liberty. The municipal waste produced in this country in just 1 day fills about 63,000 garbage trucks, which would stretch the distance from San Francisco to Los Angeles. We are truly a throwaway society.

Towns and cities throughout the country are running out of landfill space. The Environmental Protection Agency estimates that 27 States will run out of landfill capacity for municipal solid waste within 5 years and that one-third of the currently operating landfills will by 1994.

Recycling must play a critical part in diverting a significant amount of waste from disposal.

Recycling has important energy savings and materials conservation benefits and can avoid pollution created from extracting resources from our natural environment. For example, it takes only 5 percent of the energy used to make aluminum cans from raw bauxite to turn a used aluminum can into a new one; and recycling 1 ton of recycled aluminum saves 4 tons of raw materials.

A recent report prepared for the Environmental Protection Agency concludes that overall energy savings resulting from recycling of plastics are 92 to 98 percent; steel, 47 to 74 percent; and glass, 4 to 32 percent. The report found that in addition to energy savings, recycling reduces air and water pollution. Put simply, recycling can play a large part in reducing our dependence on oil because it saves energy and in cleaning up pollution.

The current level of recycling in the United States is low. Last October, the Environmental Protection Agency estimated that 13 percent of municipal wastes are being recycled. The potential for much higher levels clearly exists. I am proud that the State of Connecticut has enacted a recycling law setting a statewide goal of 25 percent recycling each year. The State has designated certain materials as recyclable; landfills and incinerators are prohibited from accepting those materials. Eight recycling centers will exist in the State by the end of 1991. The recycling center in Groton, CT, which has been open for 9 years serves 26 towns in southeastern Connecticut and is the first center of its size in the country.

There is an urgent need for public education campaigns to inform consumers that garbage has very real financial and economic consequences. Successful recycling programs need participation from all segments of society. Product manufacturers, consumers, generators of waste, and public officials need to follow their garbage and realize the impact. Communities and businesses must develop recycling programs, including curbside and apartment-house pickup programs, publicly and privately operated neighborhood dropoff centers to sort, accumulate, process materials, and market them to end-user markets, privately run buyback centers for particularly valuable materials, and private commerical waste hauling.

Consistently available markets for secondary materials are also an essential part of the success of recycling programs. The public and private sectors must support recycling by purchasing materials recovered from waste. Governments have a critical role to play in promoting the design of products that can be recycled safely and efficiently and in making certain that consumers have full and accurate information about the products they are purchasing and about recycling.

Recycling programs can provide important economic benefits for communities. They save municipalities money because it costs less to recycle than to dump in landfills. In Connecticut, for example, 44 leaf composting sites taking in 90,000 tons of leaves from 1.5 million people—half of the State's population—saved municipalities $4.5 million in landfill fees. Second, recycling can also provide jobs. In New York City, for example, the city's recycling law calls for establishing in each borough at least one center to which residents can take recyclable material like newspapers in exchange for cash. Such businesses, called buyback centers, are also intended to create jobs for depressed communities.

In order to deal with the solid waste crisis, we must face the difficult problem of changing human habits and educating people. The president of the Litchfield, CT, League of Women Voters, Marilyn Cann, said it well: "If people aren't educated to recycling, they're not about to do it consistently and effectively. If they're not educated, they're going to throw recyclables away." A national recycling day is needed because the problem requires a concerned effort on the part of individuals, elected officials, and private industry. It is my hope that on April 15, schools and communities will sponsor

educational activities and training sessions on how recycling can help us both overcome the crisis we are now facing and help us preserve the Earth's natural resources.

Mr. President, I request that the full text of the resolution be printed in the RECORD.

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

S.J. RES. 70

Whereas the United States generates over 160 million tons of municipal solid waste each year—almost double the amount produced in 1965, and amounting to about 3.58 pounds per person per day—and the amount is expected to increase to 190 million tons of garbage annually by the year 2000.

Whereas the continued generation of enormous volumes of solid waste each year presents unacceptable threats to human health and the environment.

Whereas the Environmental Protection Agency expects that 27 States will run out of landfill capacity for municipal solid waste within 5 years and one-third of the currently operating landfills are expected to close by 1994 either because they are filled or because their design and operation do not meet Federal or State standards for protection of human health and the environment, and waste that is now disposed of in these facilities will have to be disposed through other means;

Whereas a significant amount of waste can be diverted from disposal by the utilization of source separation, mechanical separation and community-based recycling programs;

Whereas recycling can save energy, reduce our dependence on foreign oil, has substantial materials, conservation benefits and can avoid the pollution created from extracting resources from their natural environment;

Whereas the revenues recovered by recycling programs offset the costs of solid waste management and some communities have established recycling programs which provide signficant economic benefits to members of the community;

Whereas the current level of municipal solid waste recycling in the United States is low, although some communities have set a much higher rate;

Whereas to reach a goal of increased recycling, more materials need to be separated, collected, processed, marketed and manufactured into new products;

Whereas a well-developed system exists for recycling scrap metals, aluminum cans, glass and metal containers, paper and paperboard, and is reducing the quantity of waste entering landfills or incinerators and saving manufactures energy costs;

Whereas recycling of plastics is in the early stages of development and consideration market potential exists to increase the recycling;

Whereas yard and food waste is an important part of municipal solid waste and a large potential exists for mulching and composing the waste which would save both landfill space and nourish soil, but only small amounts of this material is currently being recycled;

Whereas Federal, State and local governments should enact legislative measures that will increase the amount of solid waste that is recycled;

Whereas Federal, State and local governments should encourage the development of markets of recyclable goods;

Whereas Federal, State and local governments should promote the design of products that can be recycled safety and efficiently;

Whereas the success of recycling programs depends on the ability of informed consumers and businesses to make decisions regarding recycling and recycled products and to participate in recycling programs; and

Whereas the people of the United States should be encouraged to participate in educational, organizational and legislative endeavors that promote waste separation methods, community-based recycling programs and expanded utilization of recovered materials: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 15, 1991, is designated as "National Recycling Day", and the President of the United States is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.•

By Mr. DODD (for himself, Mr. COATS, Mr. THURMOND, Mr. NUNN, Mr. DASCHLE, Mr. ADAMS, Mr. PELL, Mrs. KASSEBAUM, Mr. GLENN, Mr. D'AMATO, Mr. DECONCINI, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. AKAKA, Mr. LAUTENBERG, Mr. REID, Mr. JEFFORDS, Mr. HATCH, Mr. DURENBERGER, Mr. LEVIN, Mr. MOYNIHAN, Mr. KASTEN, Mr. BIDEN, Mr. SARBANES, Mr. KERRY, Mr. RIEGLE, Mr. WELLSTONE, Mr. INOUYE, Mr. BRADLEY, Mr. STEVENS, and Mr. DIXON):

S.J. Res. 71. Joint resolution to designate the period commencing on February 10, 1991, and ending on February 16, 1991, as "Children of Alcoholics Week"; to the Committee on the Judiciary.

CHILDREN OF ALCOHOLICS WEEK

• Mr. DODD. Mr. President, I rise today to introduce a resolution to commemorate the week of February 10 through 16 as "Children of Alcoholics Week." I am pleased to be joined by Senator COATS, Senator THURMOND, and a number of my other distinguished colleagues in introducing this measure. Earlier this week, I chaired a hearing of the Subcommittee on Children, Family, Drugs, and Alcoholism on "Breaking the Cycle: The Effect of Alcohol on Families." I heard very compelling testimony about the effects on children growing up with an alcoholic parent, testimony about the threat of alcoholism to family stability and strength.

In my subcommittee during this Congress, we intend to focus on policies to strengthen and preserve families. We already have held several hearings looking at the stresses on today's families. Many of these stresses are external—poverty, tension between work and family, teenage pregnancy.

Alcoholism, however, is a force that destroys families from within. Sometimes this force is explosive; often it is quiet and insidious. It is perhaps a truism to say that alcoholism is a family disease. But there is no question that the entire family is caught in its web. It shapes their lives and, in many cases, the lives of future generations.

Like the addicted person, other family members may deny the problem. They may become part of a conspiracy of silence that prevents them from seeking help. Yet, it is not a happy silence. The atmosphere within the family is often negative, full of stress and conflict. The rituals that help define a family—for example, birthdays and religious holidays—may not be observed, a fact that has been linked to the transmission of alcoholism.

As always, the most vulnerable family members are the children. There are an estimated 28 million children of alcoholics in this country, almost 7 million of whom are under age 18. Children of alcoholics are at risk for a host of psychological and physical harms, not least of which is the greater likelihood that they, too, will become substance abusers. Children of alcoholics are two to three times more likely than others to become alcoholics. Moreover, daughters of alcoholics are more likely than others to marry alcoholic men, increasing the likelihood of perpetuating the cycle.

Children of alcoholics also tend to have more health problems than others. A recent study by the Children of Alcoholics Foundation found that children of alcoholics are admitted to hospitals, use hospital days, and incur hospital charges at rates much greater than those experienced by other persons. This pattern results in additional costs for hospital care of $1 billion a year, a figure the Foundation considers quite conservative.

Children of alcoholics may blame themselves for the parent's problem and feel unloved and rejected. They may not reach out for help because they do not realize they are not alone. they may be vulnerable to abuse and neglect. Yet, some children show remarkable resiliency. Certainly, as several of our witnesses emphatically illustrated, to be the child of an alcoholic is not to be doomed to a life of failure, filled with insurmountable problems.

It is with the intent to draw attention to the needs of children of alcoholics that we introduce this resolution today. The witnesses at our hearing described in very moving terms how to be the child of an alcoholic is to feel totally alone, since it seems inconceivable that others could be in the same situation. We hope that by designating a week to focus on this group, we will let children who may now feel isolated and afraid know that they are not alone.

There is one special group of children of alcoholics who face a more severe challenge. These are children who are exposed to alcohol prenatally, those

with symptoms of fetal alcohol syndrome or fetal alcohol effect. These symptoms can include a range of physical problems evident at birth. As these children grow, they may find themselves falling farther and farther behind in school. The tragedy of fetal alcohol syndrome is two-fold. First, it is entirely preventable. Second, it results in a huge loss of human potential. In his book "The Broken Cord," Michael Dorris writes poignantly about the limitations of his adopted son Adam, a FAS victim:

My son will forever travel through a moonless night with only the roar of the wind for company. Don't talk to him of mountains, of tropical beaches. Don't ask him to swoon at sunrises or marvel at the filter of light through leaves. He's never had time for such things, and he does not believe in them. * * * He doesn't wonder where he came from, where he's going. He doesn't ask who he is, or why. Questions are a luxury.

Well, for us, questions are a necessity. We must ask ourselves whether we cannot do better for these children.

One of the gaps witnesses at our hearing repeatedly mentioned was the need for more public awareness, on the part of professionals, community members, and affected children themselves, that children in alcoholic families are at risk. They need treatment themselves, but may not be able to bring themselves to ask for help. They may not even fully understand that the problem is not them, but their parents' drinking. They may need someone to reach out to them. A greater understanding of the dangers these children face is a first step toward seeing that outreach occurs and treatment becomes more widely available.

Mr. President, in listening to the testimony of recovering alcoholics and children of alcoholics who were courageous enough to come forward and tell their stories, I was struck by the difficulty of pinpointing the beginning of alcoholism in individual families. Often, you cannot say "Here is the parent with an alcohol problem, and here is the child of the alcoholic." The parent also may be the child of an alcoholic, caught in a cycle perpetuated for generations. But if we cannot find the beginning of the cycle, we surely can find a way to break it.

Before we can do that, however, we must have a broader awareness of how that cycle is continued from one generation to another. We must make sure that community members understand why we must reach out to the children who are caught up in their families' alcoholism. Children of Alcoholics Week will help spread that awareness and understanding. I urge my colleagues to join us in making that possible. I ask unanimous consent that the resolution be printed in the RECORD.

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

S.J. RES. 71

Whereas it is estimated that there are over 28,000,000 children of alcoholics in the United States, of whom 6,600,000 are under the age of 18;

Whereas there is strong scientific evidence that alcoholism runs in families with children of alcoholics being two to four times more likely to develop alcoholism than children of non-alcoholics;

Whereas parental alcoholism has a significant impact on the health of children and on the health care system, with children of alcoholics being admitted to hospitals at a 24 percent greater rate, using hospital days at a 62 percent greater rate, incurring hospital charges at a 36 percent greater rate, and incurring total health care charges at a 32 percent greater rate, than other children;

Whereas parental alcohol abuse is a significant factor in a large proportion of child abuse and neglect cases;

Whereas young children of alcoholics exhibit symptoms of depression and anxiety to a greater extent than children of non-alcoholics;

Whereas young children of alcoholics often have difficulty in school and are more likely to be truant, drop out of school, repeat grades, or be referred to a school counselor or psychologist;

Whereas children with Fetal Alcohol Syndrome suffer from a range of deficits that include dysmorphic facial features, growth retardation, intellectual impairment, and disruptive behavior patterns and children with Fetal Alcohol Effect suffer from significant, although less severe, deficits;

Whereas children of alcoholics, with the interest and help of family, friends, health professionals, teachers, clergy, and others, can avoid the negative effects of familial alcoholism;

Whereas this Resolution seeks to raise the level of public and professional awareness on behalf of the families and children affected by alcohol addiction;

Whereas by bringing attention to the plight of the children of alcoholics, the Congress will be offering hope and encouragement for these innocent victims and will be taking a significant step forward towards ending the generational cycle of addiction; and

Whereas a national week of recognition would give individuals and local, State, and national organizations the opportunity to break the silence often surrounding familial alcoholism: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on February 10, 1991, and ending on February 16, 1991, is designated as "Children of Alcoholics Week", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, programs and activities.●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 3, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

At the request of Mr. BOREN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 3, supra.

S. 5

At the request of Mr. DODD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 5, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

S. 6

At the request of Mr. DOLE, the names of the Senator from Utah [Mr. GARN] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 6, a bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes.

S. 11

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 11, a bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing, and for other purposes.

S. 28

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 28, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population data collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 41

At the request of Mr. SPECTER, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 41, a bill to provide for a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 90

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 90, a bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 203

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 203, a bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986.

S. 204

At the request of Mr. WELLSTONE, 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.

S. 205

At the request of Mr. WELLSTONE, his name was added as a cosponsor 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. 237

At the request of Mr. WELLSTONE, 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.

S. 244

At the request of Mr. JOHNSTON, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 244, a bill to provide for a referendum on the political status of Puerto Rico.

S. 250

At the request of Mr. FORD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 329

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 329, a bill to strengthen the teaching profession, and for other purposes.

S. 330

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 330, a bill 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.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from Vermont [Mr. JEFFORDS] 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 JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 56

At the request of Mr. KASTEN, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. SPECTER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution designating March 25, 1991, as "Greek Independence Day; A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 62

At the request of Mr. HATCH, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nevada [Mr. BRYAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. STEVENS] The Senator from Idaho [Mr. CRAIG], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. GORTON], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the month of March, 1991 and the month of March, 1992 as "Women's History Month."

SENATE JOINT RESOLUTION 63

At the request of Mr. RIEGLE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 63, a joint resolution to designate June 14, 1991 as "Baltic Freedom Day."

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. HATFIELD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution to establish an Albert Einstein Congressional Fellowship Program.

SENATE RESOLUTION 53—RELATIVE TO GLOBAL WARMING

Mr. MITCHELL (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. BURDICK, Mr. DURENBERGER, Mr. DASCHLE, Mr. WIRTH, Mr. LIEBERMAN, Mr. BIDEN, Mr. BRYAN, Mr. FOWLER, Mr. BRADLEY, Mr. MOYNIHAN, Mr. ADAMS, Mr. NUNN, Mr. LAUTENBERG, Mr. SARBANES, Mr. AKAKA, Mr. BENTSEN, Mr. KASTEN, Mr. BUMPERS, Mr. INOUYE, Mr. KENNEDY, Mr. CRANSTON, Mr. REID, Ms. MIKULSKI, Mr. DECONCINI, Mr. HOLLINGS, Mr. SANFORD, Mr. DODD, Mr. KERRY, Mr. GORTON, Mr. GORE, Mr. LEAHY, Mr. JEFFORDS, Mr. WELLSTONE, Mr. PELL, Mr. SIMON, Mr. HARKIN, Mr. GRAHAM, Mr. LEVIN, AND Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 53

Whereas human activities substantially increase the atmospheric concentrations of the greenhouse gases: carbon dioxide, methane, chlorofluorocarbons and nitrous oxide;

Whereas an increase in the concentration of greenhouse gases intensifies the natural greenhouse effect, resulting on average in an additional warming at the Earth's surface and an excess of radiative energy available to alter the climate system;

Whereas carbon dioxide has been responsible for over half the enhanced greenhouse effect in the past, and is likely to remain so in the future;

Whereas the scientific assessment of the Intergovernmental Panel on Climate Change (IPCC) concluded in August 1990 that under a business-as-usual scenario for emissions of carbon dioxide and other greenhouse gases, a global warming of five to ten degrees Fahrenheit above preindustrialized levels is likely by the end of the next century, bringing the Earth to its warmest level in at least 150,000 years;

Whereas many scientific studies show that rapid global warming would create grave risks of precipitous climate shifts, with effects including extreme heat waves and droughts in some agricultural and urban areas, amplified warming at high latitudes, sea level rise and resultant flooding of low-lying coastal areas, a probable increase in the frequency and severity of hurricanes and other extreme weather events, and the potential destruction of forests over broad expanses;

Whereas environmental stresses of this magnitude have the potential to cause unprecedented agricultural, economic, and social and political disruptions;

Whereas the Ministrial Declaration of the Second World Climate Conference in November 1990, adopted by more than one hundred governments, including the United States, calls for the negotiation of a framework convention to limit climate change in order to protect society and the environment "without further delay based on the best available

knowledge" with the ultimate global objective "to stabilize greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with climate.";

Whereas the Declaration further states that "the potentially serious consequences of climate change give sufficient reasons to begin by adopting response strategies even in the face of significant uncertainties.";

Whereas the United Nations General Assembly has established an Intergovernmental Negotiating Committee for a Framework Convention on Climate Change responsible for negotiating an international climate protection agreement in time for signature at the United Nations Conference on Environment and Development in June 1992;

Whereas the first negotiation session will be hosted by the United States from February 4 to 14, 1991;

Whereas Germany, Denmark, Austria, Australia, and New Zealand have already proposed to reduce emissions of carbon dioxide and other greenhouse gases; and that seventeen other countries (Belgium, Canada, Finland, France, Great Britain, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland) have proposed, individually or collectively, to stabilize or reduce their carbon dioxide emissions by the year 2000;

Whereas the United States emits more carbon dioxide than any other nation and has the second highest per capita emissions of carbon dioxide;

Whereas a large fraction of the emissions of carbon dioxide from the United States could be controlled at a savings, no cost, or low cost and that such measures would contribute to the competitiveness of American business and the overall economy;

Whereas development and transfer of technology may assist industrialized and developing nations in their efforts to reduce emissions of greenhouse gases;

Whereas the National Energy Strategy, which has been in preparation for the last eighteen months, presents an opportunity to develop targets for reductions in United States emissions of carbon dioxide and mechanisms for implementing such targets;

Therefore be it *Resolved*, That it is the sense of the Senate that it should be the policy of the United States (1) to specify reductions in the national emissions of carbon dioxide and other greenhouse gases by a date certain, and (2) to assume a leadership position in negotiating an international climate protection treaty that contains specific commitments to reduce emissions of carbon dioxide and the following elements:

An agreement by industrialized nations to reduce their current emissions of carbon dioxide;

An agreement by developing nations to limit their growth in carbon dioxide emissions from fossil fuel combustion so that total emissions from the industrialized and developing world are significantly reduced;

An agreement by all countries to limit the release of carbon dioxide due to deforestation, by sustainable use of existing forests and reforestation:

An agreement by all countries to take available steps to cut emissions of other greenhouse gases, including methane;

The establishment of an international fund, to help developing countries achieve these objectives;

The establishment of a mechanism of continuing international cooperation for development of efficient policies for future emissions reductions necessary to meet the objective of stabilizing greenhouse gas emissions at safe levels; and

The establishment of appropriate institutional mechanisms to facilitate cooperation in: research, observation and analysis; data and information exchange and reporting; development and transfer of technology; and technical training and public education.

Be it further *Resolved*, That the United States should support, at the February negotiating session, the establishment of a process that will allow negotiations of substantive provisions to accomplish each of these elements, for inclusion in the convention that is to be concluded in June 1992.

SENATE RESOLUTION 54—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 54

Whereas, in the case of United States v. Ronald Whitaker, et al., No. 90-14010-CR-JAG, pending in the United States District Court for the Southern District of Florida, one of the defendants, Sheldon Yavitz, has obtained a subpoena for the testimony of Jack Blum, a former employee of the Senate, in connection with his work as special counsel to the Committee on Foreign Relations;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent present and former employees of the Senate with respect to subpoenas issued to them in their official capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Jack Blum in the case of United States v. Ronald Whitaker, et al.

SENATE RESOLUTION 55—RELATIVE TO THE 50TH ANNIVERSARY OF THE USO

Mr. MITCHELL (for himself, Mr. DOLE, Mr. THURMOND, Mr. RIEGLE, Mr. PACKWOOD, and Mr. SASSER submitted the following resolution; which was considered and agreed to:

S. RES. 55

Whereas the USO is celebrating its fiftieth anniversary;

Whereas the USO is the only independent, Congressionally chartered organization devoted solely to providing human services to our Armed Forces personnel;

Whereas the USO of Metropolitan Washington and chapters throughout the United States and the world provide family support services, emergency housing programs, airport services, and numerous other programs to assist members of the Armed Forces;

Whereas the USO is providing special support to servicemen and women and their families during Operation Desert Storm: Now, therefore, be it

Resolved by the Senate, That—

The Senate hereby extends congratulations to the USO on the occasion of its fiftieth anniversary and commends the work of the USO in support of the military personnel and their families serving in the United States and around the world.

The Secretary of the Senate shall transmit a copy of this Resolution to the USO.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on the administration's National Energy Strategy.

The hearing will take place on Tuesday, February 19, 1991, beginning at 2:30 p.m. in room 216 of the Senate Hart Office Building in Washington, DC. Witnesses will testify by invitation only.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the status of implementation of the Department of Energy's civilian nuclear waste program mandated by the Nuclear Waste Policy Act of 1982 and its 1987 amendments.

The hearing will take place on Thursday, March 21, 1991, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Mary Louise Wagner.

For further information, please contact Mary Louise Wagner of the committee staff at (202) 224-7569.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on February 20, 1991, at 9 a.m. at a location to be announced. The hearing will address the Futures Trading Practices Act of 1991, S. 207.

For further information, please contact Ken Ackerman of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the ses-

sion of the Senate on Thursday, February 7, beginning at 10 a.m., to conduct a hearing on demographic trends and transportation demand.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 7, at 10 a.m. to receive testimony from Secretary of State Baker on a foreign policy overview and budget requests for fiscal year 1992.

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

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., February 7, 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 Thursday, February 7, 1991, at 9:30 a.m., for a hearing on the nomination of Walter Massey to be Director of the National Science Foundation.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, February 7, 1991, at 9:30 a.m., to hold a hearing on the impact of restructuring the savings and loan industry—the Southwest Savings case study.

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 allowed to meet during the session of the Senate on February 7, 1991, at 9 a.m., to hold a hearing on S. 207, futures trading practices intermarket coordination.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup to consider legislation in response to the situation created by Operation Desert Storm on Thursday, February 7, 1991, at 1:30 p.m., in the committee's hearing room, SR-418.

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

ADDITIONAL STATEMENTS

GRIDLOCK RELIEF FOR INTERSTATES

• Mr. SARBANES. Mr. President, I am pleased to join Senator WARNER in sponsoring the Gridlock Relief for Interstates Program or so-called GRIP legislation. This legislation would establish a new category of assistance under the Federal-aid highway program to address the critical and growing problem of congestion and gridlock on urban interstates. I want to commend Senator WARNER for introducing this very important bill. In conjunction with legislation I have introduced to restrict the openings of the Woodrow Wilson (I-95) drawbridge, the measure should help to alleviate the traffic demands, severe congestion and safety problems on the Interstate System in the Washington metropolitan area, as well as in other traffic-jammed urban and suburban areas of the Nation.

The GRIP bill authorizes $2 billion a year over a 4-year period from the highway trust fund for a variety of projects to maximize the capacity of heavily traveled portions of the Interstate System. The program would be available in high-growth urbanized areas with a population of 50,000 or more and funding could be used for highway reconstruction and capacity expansion projects, right-of-way acquisition for mass transit facilities along the routes, noise barriers, land acquisition for construction of parking lots to encourage mass transit ridership and carpooling, as well as acquisition of land for bikepaths. These are all important needs not being adequately addressed by the current Federal highway program.

In the Baltimore-Washington region, we currently have one of the most comprehensive transportation systems in the country, with the Washington and Baltimore Metro systems, Amtrak, MARC commuter trains, buses, and an aggressive highway construction and reconstruction program. However, all projections indicate that population growth and, more importantly, growth in demand for travel in the region, will continue to place serious strains on the regional transportation network. A January 1991 study entitled "Roadway Congestion in Major Urban Areas 1982 to 1988" found that of six northeast cities, Washington and Baltimore ranked first and fifth respectively, in terms of traffic congestion. The study found that the Washington area had the third-worst traffic problem in the Nation, costing an estimated $1.73 billion a year in lost time, gas consumption, accident losses and other factors.

Mr. President, America's future economic strength depends upon our willingness to make prudent investments in a number of pivotal areas such as physical infrastructure. Failure to make those investments restrains this country's efforts to build a more prosperous and competitive economy. The GRIP bill will help ensure that those investments can be made for transportation improvements in high-growth urban and suburban areas.•

NEVER AGAIN! THE NEED FOR CLEAR AND DECISIVE ACTION TO USE THE EXPORT ADMINISTRATION ACT TO FIGHT PROLIFERATION

• Mr. MCCAIN. Mr. President, we should have no illusions about what we are doing here today. We are not really voting on an extension of the Export Administration Act. We are voting to defer any substantive action on the proliferation of chemical and biological weapons. More broadly, we are voting to defer any substantive action on the transfer of arms to aggressor nations like Iraq, and the transfer of the technologies to make long-range missiles, and biological, chemical, and nuclear weapons.

We can cite the pressure of war. We can cite the good intentions of this body and the administration. We can cite our hopes for multilateral action and progress in arms control treaties. These arguments are not without some merit. But, Mr. President, it is now 7 years since Iraq made massive use of chemical weapons against Iran. It is 3 years since thousands of women, children, and old men died from poison gas simply because they were Kurds.

We have talked and debated for at least 3 years, and the best we have to show for it is legislation on missile proliferation. We have heard promises about a more effective policy toward proliferation from the administration, and we have seen signs of progress toward that end. I commend the administration for that progress, but I caution that much more needs to be done.

More broadly, we have heard promises from four administrations to bring their house into order in administering the Export Administration Act, and the fact is that despite limited progress in controlling a bureaucratic nightmare, interagency disputes still contribute to an uncertain administration of the act.

Mr. President, I have recently reviewed an analysis of the pattern of arms transfers to Iraq and the Middle East that a former member of my staff prepared for the Royal United Services Institute in the United Kingdom. That analysis traces all too clearly a history of some $52 billion worth of arms trans-

fers to Iraq, and sales by nation after nation of the technologies needed for Iraq to make biological, chemical, and nuclear weaons. It also warns that nearly one-third of all the Government expenditure in the Middle East is being wasted on military forces and arms. Mr. President, I recommend that analysis to my colleagues and will make copies of it available to anyone who is interested in its findings.

We have heard similar warnings from many other sources. We have heard them from the Secretary of Defense and the Director of the CIA. We know that Iraq is only the tip of the iceberg. At least 25 other nations are working on biological, chemical, and nuclear weapons. These nations also include some of the nations that have claimed in the UN that they are the advocates of arms control, but who fight hardest against any measures with teeth or limits to what they can export.

Mr. President, our motto should be, Never again! Our purpose should be immediate legislation to fight biological, chemical, and nuclear proliferation with the full force of law, and with economic sanctions against those nations and companies that are willing to be merchants of death and mass destruction. The idea that we somehow will see the same nations that traffic in death agree to enforceable multilateral agreements is a pleasant illusion, but it offers the promise of a horrifying future.

This is also why I have proposed a Non-Proliferation and Arms Control Act that goes beyond the legislation on chemical and biological weapons that I helped draft last year, and that will enforce precisely the kind of sanctions we need to ensure there are no more Iraqs, that there are no more Libyas, and that the developing world does not see its scarce resources wasted on trying to fight dictator after dictator. Good intentions, rhetoric, and promises are no longer enough.

At the end of this extension of the Export Administration Act we must have action. If we do not, we must collectively take the blame if weapons of mass destruction rain down on Cairo, Seoul, or Tel Aviv in the future. We will never really say "Never Again! unless we have the courage to act!●

SENATE CONCURRENT RESOLUTION 11—CONCURRENT RESOLUTION TO ESTABLISH AN ALBERT EINSTEIN FELLOWSHIP PROGRAM

● Mr. BINGAMAN. Mr. President, I rise today to speak in support of the concurrent resolution to establish an Albert Einstein Fellowship Program, submitted by my distinguished colleague from Oregon, Senator HATFIELD. I commend Senator HATFIELD for his leadership in this enterprise which is designed to bring professional educators into the Congress.

If we are to expect changes in the structure of education over the next decade, we must involve the best in the field at the decision making level and at the onset of our efforts. This will enhance our communication with the education community, provide us with insight into effective education programs, and grant us the immediate input from practicing educators we need to keep our work timely. The added benefit of having a fellow return to the education community after a year working with Congress, to share his/her learning with students and peers, further enhances our efforts.

While espousing national education goals is a step in the right direction, the Albert Einstein Fellowship Program is a practical effort toward actually achieving a number of these goals. It brings to Congress new insights, fresh ideas, extensive knowledge and practical experience in school science and mathematics education. The four fellows placed this year are living up to these expectations and also helping expand contacts in the education community for the offices where they are working. This program has brought a recognized and experienced science teacher to my office for the past four months, and the benefits have been substantial. It is, indeed, a shared learning process.

I lend my unequivocal support to this legislation and the underlying objective of increasing the involvement of practitioners in the policy formulation and legislative activity needed to achieve our national education goals.●

STAR WARS IS NO PATRIOT

● Mr. HARKIN. Mr. President, I am concerned that some may use the gulf war to justify spending billions of tax dollars on discredited weapons systems. Already we are seeing a flood of claims suggesting that the Patriot missile success in the skies over Saudi Arabia and Israel now justifies massive increases in the Star Wars Program.

This is ironic indeed. For years, star wars proponents have rejected any efforts to deflect research dollars from their favorite space-based weapons to support a limited, treaty-compliant ground-based defense against ICBM's. They fought to keep the grand dream of a global defense against ICBM's alive, whenever anyone suggested a more limited role for ballistic missile defense, such as a point defense to protect our ICBM fields from attack by Soviet ICBM warheads.

But the Patriot missile is even further removed from star wars mission and hardware. The Patriot missile, designed originally to shoot down aircraft, has only recently been upgraded to give it some limited capability against slow moving, short range ballistic missiles like the modified Iraqi Scud missiles. Most Patriot missiles in the inventory do not have even this limited anti-tactical ballistic missile [ATBM] capability.

Even those Patriots that have been modified for the ATBM mission, however, have no capability whatsoever against ICBM's, the sole target of the SDI program. ICBM's, or rather the warheads propelled through space by ICBM's, reenter the atmosphere at speeds of 4 to 5 kilometers per second, giving any defensive missile like the Patriot little time to fly up and intercept the warhead.

For comparison, the modified Iraqi Scud missiles come in at much lower speeds closer to 1 kilometer per second, giving the older Patriot missiles sufficient time to fly out and make their kill close to the intended target area.

Furthermore, the Patriot, which entered production several years before the SDI project was fathered by Ronald Reagan in 1983, has received no funds from SDI and has used none of the technology developed by the Star Wars Program.

Conversely, the space-based weapons proposed by SDI proponents would have little or no capability against Scud-type missiles. For example, the current SDI weapon of choice is the "Brilliant Pebble" or space-based interceptor rocket. But this rocket must acquire its target and fly long distances to reach the short-range Scud missiles, which fly relatively low trajectories compared to ICBM's that travel deep into space to reach their targets.

In short, there has been virtually no connection between star wars and the Patriot, either financially or technically.

The Patriot Program has been funded by the Army. For this fiscal year, total Patriot research funds are $23.7 million, or less than one percent of the huge SDI $2.86 billion research kitty.

The SDI Program does have a small—by SDI standards—research program to develop advanced ATBM systems. For fiscal year 1991, $180 million has been allocated for this research into longer range, more capable weapons than Patriot. These systems, including the Israeli Arrow missile, will not be ready for battlefield use for several years.

But a miraculous transformation has occurred in the fiscal year 1992 SDI budget. The $180 million for tactical defense has grown to $859 million, or a 370 percent increase. Given the need to defend against tactical missiles, this crash program might be justified.

However, if we subtract the ATBM research from the total SDI request for fiscal year 1992, we find that the classic SDI Program to defend against Soviet ICBM's has increased by 60 percent, from $2.68 billion to $4.28 billion.

This increase is totally unjustified. If a classic SDI space-based shield was

too expensive, too leaky and too destabilizing last year, how can the success of Patriot missiles against an entirely different threat change the dynamics of strategic ICBM defense?

I would argue that nothing has changed in the strategic relationship, the technology or the projected costs to justify any increase in the underlying SDI budget. Indeed, I would suggest that the over-all SDI budget should be cut, or else the $860 million for ATBM research should be taken from the SDI strategic defense program.

Mr. President, I would also like to insert into the RECORD two recent articles on the Patriot versus SDI issue, one by Leslie Gelb in the New York Times, and one by Representative CHARLES BENNETT in the Washington Post.

The articles follow:

[From the New York Times, Jan. 27, 1991]

RIGHT-WING MYTHS

(By Leslie H. Gelb)

Right-wing propagandists have discovered how to use the Persian Gulf war, which many of them oppose, to ride an old hobby-horse back into the sunlight. Turn on the television, look at their columns, and learn two new meta-facts:

We should praise the heavens for Mr. Reagan's Strategic Defense Initiative, or Star Wars, for giving us the Patriot missiles, now famous for shooting Iraqi Scud missiles from Saudi and Israeli skies.

We have Ronald Reagan's fat increases in military spending to thank for winning the war.

The first is pure baloney; the second contains a grain of very misleading truth.

Let's begin with the colorful Star Wars-Patriot tale. The Patriot is not now and never has been part of the Strategic Defense Initiative programs and owes nothing of its success to Star Wars technology.

For the truth, just call Maj. Peter M. Keating, an Army spokesman, who said in response to a query that the Patriot and S.D.I. "are not even a spinoff of each other." For emphasis, he added, "Absolutely."

The Patriot was originally designed in the Ford Administration to shoot down aircraft. Quite independently of the Star Wars bureaucracy and at modest cost, the Army changed the computer software and the explosive fuse on the missiles, and made the system ready for its present anti-missile duty.

Yes, indeed, the Patriot and Star Wars are both intended to intercept missiles. But the similarity ends there. It's like saying that since people and elephants both have ears they can equally enjoy Mozart, and the elephants should be encouraged to do so.

More troubling than the Patriot tale is the Reagan's-winning-the-war myth. In the first place, the war in the gulf is being fought with conventional weapons, not nuclear ones. Nukes were the trademark of the budget fashioned by Defense Secretary Caspar Weinberger. Nukes far more than tanks and fighter-bombers constituted the thrust of his increases in weapons procurement and research and development.

Remember the B-1 bomber, canceled by President Carter and reinstituted by Mr. Weinberger. Now, $30 billion later, the plane is so bad that the Air Force rarely flies it. The old B-52's are doing the heavy bombing work over Iraq and Kuwait.

Above all, remember the Star Wars fantasy. The Weinberger-Reagan team spilled about $20 billion down the drain on that scheme, which could have cost $250 billion, to destroy all attacking Soviet missiles.

Almost all the technological wonders of the gulf war were begun well before Mr. Reagan. Harold Brown, President Carter's Defense Secretary, deserves the major credit for the sea-launched cruise missiles, the Stealth bomber and the HARM missiles employed so effectively against radar.

One of Mr. Weinberger's notable technological contributions was the Navy's A-12 attack plane. Defense Secretary Cheney just canceled it after only a few billion dollars was wasted.

As for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than Congressional Democrats to buy stockpiles of munitions and spare parts.

President Reagan spent about $1.5 trillion on defense, several hundred billion more than Jimmy Carter had planned. Most was well spent and justified. But much of the quick and large increases fell victim to mismanagement, waste and fraud.

Here is how that performance was described in 1988 by David Packard, Deputy Defense Secretary under President Ford and chairman of Mr. Reagan's own Blue Ribbon Commission on Defense Management. The Administration, Congress and the Defense Department, he said, "have created an environment in which honest and efficient military acquisition is impossible to implement . . . One could do as good a job in awarding the major contracts by putting the names of the qualified bidders on the wall and throwing darts."

Also not to be forgotten, Mr. Weinberger's Pentagon operation achieved a record number of indictments and convictions for fraud and thievery.

If the right-wingers' new line on defense were simply to justify their past support for all the waste, it would be amusing. If it were just the usual campaign to portray Democrats as weak-kneed and lily-livered, that would be understandable. But their real aim is to keep military spending around $300 billion after the war ends—and that would prove deadly at the very moment when the nation will need to refocus on domestic priorities.

[From the Washington Post]

SDI IS NO PATRIOT

(By Charles E. Bennett)

The Patriot anti-missile defense system has been successful in the Gulf war. The Star Wars weapons proposed by the Strategic Defense Initiative are anti-missile weapons. Therefore, SDI will be successful. Right?

Wrong. This simplistic logical chain is being widely trumpeted these days, most recently in the pages of The Post by defense consultant Thomas Mahnken ["Lessons of the Gulf Missile War," op-ed, Jan. 29]. We can all be proud of the Patriot system. It is the kind of practical, workable anti-missile system we should be producing. But those who are trying to piggy-back their own pet programs on the back of this success story are sadly misinformed. Here are the facts about Patriot and SDI.

First, the Patriot program has nothing to do with SDI. It is funded and managed by the Army Air Defense Program Office and has not received a penny of the $23 billion Congress gave to SDI since 1984.

Second, the Patriot counters tactical ballistic missiles. These are the immediate threat our troops face. Despite congressional efforts over the years, SDI has refused to seriously address this problem. Rather it has spent almost all its time and money on trying to counter Soviet intercontinental ballistic missiles. Last year, the SDI program spent $130 million on tactical ballistic missile defense, out of a total budget of $3.8 billion. This year, the amount goes up to only $180 million out of $2.9 billion.

Third, shooting down intercontinental ballistic missiles is an extremely difficult, and as yet unsolved, problem. The Patriot evolved from an air defense system directed against airplanes to one capable of shooting down tactical ballistic missiles. Tactical missiles are short-range missiles about the size of a large truck and arrive on target at about 1 kilometer per second. We know we can shoot them down. ICBM warheads, on the other hand, span the oceans. They are about the size of a man, fly in four to five times faster, arrive in a barrage of up to 10 at a time and may be hidden among dozens of decoys. These we do not know how to shoot down with confidence.

Over the years, SDI has promoted one system after the other as an answer to this problem. All have been funded by Congress. None has worked—not the X-ray Laser, the Alpha chemical laser, the Neutral Particle Beam Weapon, the Space Based Kinetic Kill Vehicle, the Space Based Interceptor nor now the latest, "Brilliant Pebbles."

To give some idea of the scope of the problem SDI faces compared with Patriot, consider that a battery of 32 Patriot missiles can defend an area of roughly 40 square miles. If this system were capable of shooting down long-range nuclear missiles, we would need more than 90,000 batteries with almost 3 million Patriot missiles to defend the territory of the United States. At present, there are a total of 53 Patriot batteries in existence.

Fourth, defenses against the short-range, tactical missiles are legal. A territorial defense against ICBMs—even if one were technically possible—would violate the 1972 Anti-Ballistic Missile Treaty signed by the United States and the Soviet Union. This treaty recognizes the still valid premise that trying to erect a shield against nuclear attack would only prompt the other side to increase the number of attacking missiles and devise ways to counter any defense. It is a no-win race.

Finally, there is the issue of cost. The Patriot program is not cheap. Congress has authorized $12 billion for this system to date. But that is peanuts compared with the $120 billion SDI officials estimated we would need to build, deploy and operate its so-called Phase I "Brilliant Pebbles" satellite system. This is a system of thousands of weapons satellites. The satellites would have very little if any capability to shoot down the low-flying Scud-type missiles that threaten our troops and the cities in the Middle East. To orbit this system, SDI officials said they would need to have annual budgets of more than $12 billion. The new downscaled version of SDI could still top $100 billion. With the many demanding needs we have to maintain and improve our conventional forces, plus the bills coming in from the Gulf war, it is difficult to justify this expense.

The Patriot is now a proven battlefield weapon. We should explore upgrading the system further to give it the ability to protect wider areas and interdict more capable tactical missiles. As for SDI, we should re-

orient the program much more toward developing follow-on systems to the Patriot, preserve its research on future technologies and abandon the unwise plans to orbit space-based weapons in violation of the ABM Treaty.●

NATIONAL VOCATIONAL EDUCATION WEEK

● Mr. RIEGLE. Mr. President, next week is "Vocational Education Week." Vocational education is very important to many students in Michigan and across the country and I am pleased to have this opportunity to show my strong support for this area of education.

In building a strong educational system, we must recognize that students have a wide variety of talents, interests, and educational needs. There are many ways students can gain the skills and knowledge they need to participate fully in today's world.

Vocational education programs teach not only important trade and job skills at the high school level, but can also help students gain better understanding of more academic areas as well. An understanding of basic math and science, for example, can be strengthened through vocational applications. Many academically successful students take vocational classes. And pursuing a vocational track doesn't necessarily end a student's educational career. In Michigan, about 48 percent of high school vocational-technical education students choose to continue their education beyond the high school level.

Vocational education serves not only high-school-aged students, but is also important for many who go on to post-secondary schools or return to school to gain skills, including homemakers and senior citizens. The program serves more than 162,000 community college students in Michigan.

Last year, we reauthorized the Federal vocational education programs. That law enacted a new tech prep initiative to encourage the formation of consortia among high school vocational education programs and post-secondary institutions to strengthen technical training. These kinds of programs are urgently needed to help prepare skilled workers for our increasingly technically oriented workplace.

Michigan has many strong vocational education programs across the State in 56 area vocational centers, 401 high schools and middle schools, and in 29 community colleges. I have heard many success stories about Michigan students who have gained the skills they needed through vocational education to get good jobs. Statewide surveys have shown that many employers prefer to hire vocational-technical education graduates.

For all of these reasons, I strongly support vocational and technical education in this country, and I commend all of the dedicated teachers and administrators who are committed to helping students of all ages develop their skills and make the most of their talents.●

RULES OF PROCEDURES FOR THE COMMITTEE ON ARMED SERVICES

● Mr. NUNN. Mr. President, pursuant to Rule XXVI of the Standing Rules of the Senate, I submit for publication in the RECORD the rules of procedure for the Committee on Armed Services. These rules were approved by the committee on February 5, 1991.

The rules of procedure follow:

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted February 5, 1991)

1. *Regular Meeting Day and Time.*—The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.*—The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer. The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. Quorum. (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting. Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. Announcement of Votes. The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. Subpoenas. Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which

he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. Nominations. Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. Real Property Transactions. Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. Legislative Calendar. (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.●

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. HOLLINGS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the Rules of the Committee on Commerce, Science, and Transportation, to be printed in the RECORD.

These committee rules were adopted at the committee's first executive session of this Congress, held on January 29, 1991.

The rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the standing rules of the Senate.

2. Meetings of the Committe, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States:

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement.

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular subcommittee shall not necessarily apply.●

AUTHORIZING AN ADDITION TO MORRISTOWN NATIONAL HISTORIC PARK

● Mr. LAUTENBERG. Mr. President, I rise to join with Senator BRADLEY in introducing legislation which will authorize the addition of 15 acres to the Morristown National Historic Park.

Mr. President, last year, I requested that the Senate provide $585,000 so that the National Park Service could acquire the Sterling North property and include it as part of the Jockey Hollow division of Morristown NHP. With the help of the distinguished chairman of the Appropriations Committee, Senator BYRD, the Senate appropriated the money for this purchase. This legislation will expand the park's legal boundaries by 15 acres and authorize the spending of funds which have already been approved by the President and Congress as part of the fiscal year 1991 Interior Appropriations Act.

Morristown National Historic Park was created on March 2, 1933, to preserve lands and artifacts associated with the winter encampments of the

Continental Army including the Ford House where Gen. George Washington spent the winter of 1779–80 and which was characterized by President Franklin Roosevelt as "our first White House." The Park Service recognizes the campsites at the park's Jockey Hollow division as one of the largest collections of winter encampment troop remains to survive anywhere. Morristown was also the place where Gen. George Washington received the grave news about Benedict Arnold's treason at West Point.

The land we are seeking to add to Morristown NHP represents a special intertwining of historic and ecological values. This land is currently held by the estate of Sterling North, the late author of a number of books on nature. In its assessment of the North property, the Park Service states that it "possesses great potential for preserving archaeological resources and for providing historical information on the winter encampment of the Continental Army." The North property also contains Primrose Brook which plays a major role in the ecology of the Great Swamp National Wildlife Refuge. So by acquiring the North property the Federal Government not only preserves an important piece of our Nation's history, but also a critical piece of our environment.

Mr. President, this acquisition is supported by numerous environmental groups in my State, the National Park Service and the Washington Association of New Jersey, which has direct, legal ties to the park. I urge the Senate to act swiftly and pass this legislation so that the Park Service can protect this land with the money we have already appropriated for that purpose.●

TRADE AGREEMENT COMPLIANCE ACT A GOOD PLACE TO START

● Mr. SYMMS. Mr. President, I stand here today to commend Senator BAUCUS and Senator HEINZ for introducing the Trade Agreement Compliance Act.

Trade agreements reflect compromises between our Government and foreign governments in resolving trade disputes. The process of negotiating and signing trade agreements is very important if we are to avoid trade wars which benefit no one.

There is a growing sentiment in this country that our trading partners do not always live up to the spirit or the letter of the agreements we sign. The truth of the matter is often in the eye of the beholder. But it would be unfair for our partners to fail to live up to their agreements, and Americans have little tolerance for being treated unfairly.

It is more than a matter of being treated unfairly. If agreements are entered into and subsequently ignored, it destroys the very process by which the agreement was signed. If this is allowed to happen, then trade agreements will have little value and the world trading system will enter a much more dangerous period.

The USTR has done a commendable job of enforcing trade agreements with the tools at its disposal. Ambassador Hills was quick to begin Super 301 proceedings against unfair trade practices soon after passage of the Trade Act in 1988. Most of those cases were resolved within a year of introducing Super 301. Trade agreements can fail when trading partners refuse to comply with the provisions of the agreement. When this occurs, USTR must exercise its prerogative and take action.

Oftentimes, however, the problem is that there is no clear dispute settlement procedure to follow in cases of alleged noncompliance. Currently, a systematic process whereby the private sector can ask for and get a review by the USTR does not exist. This legislation puts into place such a process. The individual industries directly affected by an agreement have the most at stake and should have some means by which they can signal noncompliance.

The Trade Agreement Compliance Act is an appropriate beginning toward enforcing compliance of agreements. Further refinement may be needed, and I am sure we will have the opportunity to make improvements as the bill winds its way through the legislative process, but this bill is still a good base from which to start.

The introduction of the Trade Agreement Compliance Act today is particularly timely, given the recent breakdown of trade talks in the Uruguay round negotiations of the GATT. The European Community has displayed an unreasonable unwillingness to negotiate on agricultural concerns including export subsidies, internal supports, and market access. Along with some other countries, including the Japanese, the European Community has derailed, temporarily I hope, a great effort to put the world trading system on a strong footing heading into the next century. Unless the Uruguay round is brought to a successful conclusion, the United States may be forced to act unilaterally to establish the protections promised in the round.

I hope our trading partners hear the signal we are sending today—preserve the trade agreement process, abide by the agreements you have signed, and return to the table to conclude the Uruguay round successfully.●

HEALTH AND ENVIRONMENTAL PROTECTION IN THE NUCLEAR WEAPONS COMPLEX

● Mr. WIRTH. Mr. President, since I first came to the Congress 16 years ago, I have been concerned with health and safety issues at the Rocky Flats plant and in our entire nuclear weapons production complex. In the last Congress, I sponsored legislation to address some of these concerns. A new report released by the Office of Technology Assessment [OTA] has echoed and reinforced my long-standing concern regarding the inadequacy of DOE efforts to protect worker safety and the public health in and around the nuclear facilities it operates. The OTA has now joined me in decrying our substantial lack of knowledge of the health impacts from nuclear weapons production. Significantly, DOE's fiscal year 1992 budget request and reconfiguration plan proposed this week fail to acknowledge the importance of developing a health-based approach to the massive cleanup necessitated by decades of nuclear weapons production.

The OTA's findings are a vindication of the warnings that prominent scientists and leading environmental groups have been issuing for years. Reading this report, I get a sense of deja vu—I have seen these findings and recommendations before. I would like to take a few moments to discuss the OTA report.

THE OTA'S FINDINGS

First, the Federal Government has been allowed to operate nuclear weapons production facilities under a double standard for years. Because these plants operated under a cold war veil of secrecy, there was insufficient public, congressional, and executive branch oversight of their activities. The nuclear weapons complex operated by the Department of Energy and its predecessor agencies was allowed to ignore environmental, health, and safety regulations that private interests had to obey. This double standard is illegal and unconscionable—our Government must set the example by upholding the laws it created to enhance worker and public health at these facilities.

Second, public distrust of the DOE's methods and motivations remains high, because of a long history of secrecy and disregard for public health. Perhaps the most egregious violations, some of which were recently acknowledged by Energy Secretary James Watkins, involve failure to notify the public of radioactive and toxic releases from the weapons plants and their possible health effects, even when those releases were intentional and preplanned.

Third, the environmental program in the weapons complex is in the very early stages and little actual cleanup has been done. The OTA reports that current technology may be unable to decontaminate soil and ground water at some of the facilities, and public access may never again be possible at the most seriously contaminated sites. Secretary Watkins has stated DOE's commitment to comply with all relevant environmental regulations, and cleanup funding has increased dramatically, but the OTA confirms that public health considerations are taking a

back seat to weapons production. DOE is not even identifying public health concerns that might be adversely affected by contamination from the plants, or by various cleanup schemes.

Fourth, DOE's claim that current contamination from weapons production poses no imminent health risks is not substantiated by scientific evidence. OTA's analysis shows that DOE's reassurances are baseless. Crucial public health concerns have still not been investigated adequately by DOE or other Government agencies. Responsibility for conducting site-specific studies is still scattered throughout several Federal and State agencies, and such efforts are seriously underfunded. Important health objectives may be slipping through the cracks because there is not one agency or coordinating body responsible for this work.

Fifth, DOE's lack of consideration for health concerns and failure to plan the investigations necessary in this area could actually undermine cleanup efforts. OTA concludes that DOE's current health assessment efforts fall short, and are unlikely to produce the data necessary to set health-based environmental restoration priorities. The sites that get cleaned up first may not be those posing the greatest health threats, and the cleanup methods used could actually be detrimental to public health, all because of insufficient credible research.

The OTA report is a stinging indictment. We still don't know the scope of the problem we face. It means DOE's estimates about the cost of cleanup and the time it may take are, at best, uneducated guesses. The goal of total cleanup in 30 years is not based on anything concrete—neither DOE nor any other agency has meaningful estimates of the work to be done, the level of cleanup to be accomplished, the availability of technologies to achieve certain cleanup levels, or the cost of that huge undertaking. Without health assessments, any prioritization scheme for cleaning up the complex raises the possibility that this enormous environmental restoration project increases the public health risk instead of lessening it. It also raises the frightening specter that hundreds of billions of cleanup dollars might be wasted.

WHY DOE IS FAILING ON HEALTH

OTA's last, and perhaps most important major finding, reaffirms that basic structural problems are at the heart of DOE's failure to adopt a health-based approach to the cleanup of the weapons complex.

DOE does not have an aggressive or inquisitive health research agenda. OTA found that public health concerns have still not been investigated adequately by DOE or other Government agencies. Much greater investigation than currently completed or planned will be necessary to determine off-site health effects and to help identify the most pressing cleanup priorities.

DOE has kept the findings of its health investigations away from open scrutiny. We have known for years that weapons producers and designers at the Department of Energy are not particularly enthusiastic about pursuing the health research agenda. I have long argued that this results from a basic conflict of interest that must be rectified.

OTA's prescription is the same as my own, and that of independent scientists around the country: The investigation of actual or potential public health threats must not only be aggressive, but coordinated and conducted by independent and qualified parties, with early and continuous public involvement. Without such an effort, OTA notes, problems requiring immediate attention will not be identified and the public will not be convinced that its health is being protected. For several years I have pursued legislation that would achieve many of these goals, but the DOE has resisted strenuously.

MAJOR OVERHAUL STILL NEEDED

In 1989, Secretary Watkins appointed a special advisory group to recommend changes in DOE's health research program, and the recommendations they delivered to him last year parallel my own. But the Secretary chose only to tinker with DOE's health programs when a total overhaul is needed. He refused to address the root causes, and instead tried to retain control over the health work that DOE has done so poorly and with so little credibility. Nine months later, DOE and the Department of Health and Human Services [HHS] finally unveiled a memorandum of understanding regarding radiation health research. Its failings are significant:

The MOU is not permanent or statutory. Future DOE or HHS Secretaries could significantly alter it without approval from Congress.

The MOU leaves key "long-term, analytic" research activities under the exclusive control of DOE. DOE's extremely low public credibility on radiation health studies will damage the perception of studies that remain under its control.

The MOU allows DOE to retain responsibility for data collection and dissemination through the Comprehensive Epidemiology Data Repository [CEDR]. CEDR is the critical facility for future research on weapons plant workers, but under DOE's control, CEDR remains seriously behind schedule, underfunded, and technically flawed.

The MOU allows DOE to keep "short-term, descriptive occupational health surveillance studies of DOE workers."

By way of example, let me explain how this affects the situation at the Rocky Flats plant in my State, where serious health and environmental problems have forced many operations to be suspended for over 1 year.

Without further action by Congress, DOE will continue to conduct occupational health surveillance of plant workers, even though the caliber of that work has been criticized as substandard. The independence and credibility of this crucial monitoring will continue to be suspect, and plant workers will continue to doubt whether their own employer is protecting them from occupational health threats.

Essential dose studies of the Rocky Flats plant, approved in an interagency agreement between the DOE and the Colorado Department of Health, will still have to depend on DOE for the basic data on releases of radiation and hazardous materials from the plant, and for data on Rocky Flats workers. The level of cooperation, quality, and completeness of data under DOE's control have been problematic, and could jeopardize or delay these studies.

The MOU does nothing to increase public confidence in DOE's ability to understand, characterize, or significantly mitigate health threats from operations at Rocky Flats. The people of the Denver area have lost all confidence in DOE's ability to operate the plant safely and protect their health. This arrangement does nothing to elicit public trust, and without that I remain convinced that operations at Rocky Flats cannot and should not resume.

DOE's actions on the control and conduct of health research make the OTA's report very timely indeed. OTA underscores how DOE's failures in the health research area hamper effective cleanup. OTA's recommendations are far-reaching:

Substituting independent, external regulation for DOE self-regulation wherever feasible;

Providing long-term, capable, independent oversight in matters for which DOE continues to retain primary responsibility;

Making information openly available and easily accessible to the public; and

Promoting active and continuous public involvement—at the National, State, regional, and local levels—in decisions about waste management and environmental restoration objectives, priorities, and activities.

FISCAL YEAR 1992 DOE BUDGET REQUEST

DOE's fiscal year 1992 budget proposal delivered this week, continues the Department's historic emphasis on waste management for ongoing weapons manufacture activities at the expense of environmental restoration and protection of public health. These are precisely the misplaced priorities that have produced the situation the OTA decries. Not only has DOE failed to develop a health-based approach to operation of the nuclear weapons complex or to the proposed cleanup of facilities, the Department has failed to allocate sufficient resources to build a credible

health infrastructure or a base of information.

The Bush fiscal year 1992 budget shortchanges environmental restoration and waste management by more than $1.1 billion less than the DOE's June 1990 5-year plan indicated would be needed. Again at Rocky Flats, the DOE proposes to significantly increase spending to build its production capability, while so-called cleanup funding remains near its current level. DOE is asking for a fiscal year 1991 supplement appropriation of $283 million, over and above the $550.2 million already authorized for defense programs at Rocky Flats, and an additional $479.9 million for fiscal year 1992. This money would be spent trying to prepare for restart plutonium facilities currently shut down for health and safety reasons.

While all that money goes into fixing up buildings that should never be restarted, spending for cleanup at Rocky Flats would increase by only $50,000 in fiscal year 1992, to $156.57 million, and that assumes an $8.6 million supplemental request for fiscal year 1991 is approved by Congress. These numbers indicate that DOE's priorities are still upside down. I do not endorse these numbers, especially the cleanup figures. Because the DOE has not taken a health-based approach to setting priorities for cleanup at Rocky Flats or anywhere else, and because DOE's health infrastructure is clearly incapable of doing that job, we cannot say how much this cleanup is going to cost, whether it is going to be done wisely, and when any part of it can be completed.

My greatest concern is that all DOE nuclear weapons activities be governed by a firm commitment to protecting the health of workers within the complex and the general public living around these facilities. This cannot happen without a major overhaul of these health-related programs and activities.

DOE'S RECONFIGURATION PLAN

The Department has also released its new proposal for how the complex should be reconfigured over the next two decades. This document takes the first step in acknowledging that the end of the cold war has reduced our need for a sprawling nuclear weapons production complex. But even as the DOE proposes consolidation of production activities at fewer sites, and cites cost figures for accomplishing that task, there is no indication that this process will be governed by a strong commitment to protect the public health that has been lacking in the past.

What will become of sites abandoned in the course of reconfiguration? The study mentions no plans and considers no costs of decontamination decommissioning, environmental restoration, or protection of the public health. The public will demand answers to these questions in the hearing and review process that must now begin on the DOE's modernization plans. I plan to do everything I can to assure that the OTA's findings and recommendations are thoroughly integrated into the programmatic environmental impact statement, and into congressional review and action on the DOE's proposals.

I am gratified that the OTA has added its voice in the call for the urgent changes needed, without which "the prospects for effective cleanup of the Weapons Complex in the next several decade are poor." Significant changes in DOE's practices are the only way to develop credibility and public acceptance of its plans for waste management and environmental restoration.

I plan to reintroduce legislation to end the conflict of interest that has hampered the protection of worker and public health in the past. This responsibility must be transferred to the Federal agencies with experience and credibility in the conduct of health investigations and be coordinated with independent and public participation. These changes must be statutory and permanent, not subject to the whims of individual administrators. Moreover, these activities must be accelerated and funded sufficiently.

The OTA's greatest contribution has been to underscore just how high the stakes are as we attempt to address the environmental legacy of nuclear weapons production in the United States. Who conducts health research is not just a turf battle among Federal bureaucracies for budgets and authority. If health assessments aren't done properly, with openness and credibility, then the prospects for effective cleanup are extremely low. For the citizens of Colorado, Ohio, South Carolina, Idaho, Tennessee, New Mexico, Nevada, Washington, California, Texas, Florida, and many other States, adopting a public-health-driven approach for implementing this cleanup is a most urgent matter.•

THE CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

• Mr. DIXON. Mr. President, as the past cochairman of the Union of Councils for Soviet Jews Congressional Call to Conscience, I want to take this opportunity to thank my colleagues for their participation in the 101st Congressional Call to Conscience. The Call to Conscience is one of the most effective means by which we in the Senate can focus attention on the plight of Soviet Jews.

The Congressional Call to Conscience has consistently brought the cases of long-term refuseniks to the attention of this body and to the world. The efforts of individual Senators, as well as collective efforts have worked. The Soviets have responded to American pressure. In light of the upheavals in the Soviet Union, and the uncertainty created, our efforts on behalf of Soviet Jews must be redoubled.

While much progress has been made in the Soviet Union, and many thousands of Soviet Jews have been able to emigrate, much more still needs to be done.

During 1990, over 147,000 Soviet Jews emigrated from the U.S.S.R. and the numbers are increasing dramatically. However, Mr. President, Soviet rhetoric on perestroika does not match the reality of the situation in the Soviet Union facing Soviet Jews. The right to emigrate is still a dream in the Soviet Union, despite assurances for over 2 years that passage of a freedom of emigration law was imminent.

Mr. President, we must continue to work for the right, codified in law, of Soviet Jews to emigrate, to work for the release of political prisoners, and to press for an end to anti-Semitic violence in the Soviet Union.

Since the introduction of perestroika and glasnost, Mikhail Gorbachev has attempted to change the cultural and political landscape in the Soviet Union. For the first time discrimination against Soviet Jews in the workplace and in higher educational institutions has been acknowledged and condemned. Permitted cultural activities have expanded slightly, allowing Jews to worship, discuss Judaism and the Judaic culture openly.

Still, not all is well. As the rate of Jews leaving the Soviet Union accelerates, the American public is led to believe human rights abuses are decreasing. In truth, anti-Semitism is on the rise, and many Soviet Jews remain in prison for purely political reasons.

A perfect illustration of this situation is the case of Dmitry Berman, a Soviet Jew from the Ukraine, wrongly accused and tried for the murder of a Soviet Army ensign in Moldavia. Mr. Berman was physically tortured and was forced to make a confession to the murder. Some time later, the Office of the Procuracy of the Ukrainian S.S.R. officially informed Dmitry Berman that the case against him had been dropped because no evidence of his participation in the crime that had been committed' exists. Mr. Berman immediately began the process of emigration to Israel.

On his final visit to the Ovir office he was told that his case had been reopened. Soviet officials immediately stripped him of his visa and all documents, preventing Mr. Berman from leaving the country.

In light of President Gorbachev's policy of perestroika, a case like Dmitry Berman's truly makes one wonder whether the Soviet Union is truly committed to reform.

Freedom is a double-edged sword. Freedom of expression not only allows individuals to challenge the inefficiency of an entrenched bureaucracy, it also allows expressions of hate and violence without fear or reprisal. Hate groups such as Pamyat have flourished in this atmosphere of glasnost. The rise in anti-Semitic activity has in part fueled the desire of many Soviet Jews to emigrate.

Let me also mention one last concern of the Soviet Jewish community both here and abroad. There has been a great deal of discussion about the Jackson-Vanik trade amendments to the 1974 Trade Act. Some in Congress have advocated lifting Jackson-Vanik as a reward to Mikhail Gorbachev for his efforts at democratization in the Soviet Union and Eastern Europe, and to support him during this unstable period. Let me remind my colleagues that the Soviet Union has not passed any right of emigration legislation, which remains the basis upon which any long-term waiver must be considered. Not until the Soviet Union passes emigration legislation, codifies it, and implements it for some time will it then be appropriate to consider lifting Jackson-Vanik. We must ensure that the Soviets match their words with deeds. To lift Jackson-Vanik at this time would be to reward the Soviet Union before they have fully met the conditions for a waiver.

Mr. President, I encourage my colleagues to participate in the Congressional Call to Conscience this session. Soviet Jews continue to seek our assistance. Our voices must be heard.•

ONE CLASS OF STOCK REQUIREMENT

• Mr. PRYOR. Mr. President, on October 5, 1990, the Department of the Treasury issued proposed regulations relating to the "one class of stock requirement" under subchapter S of the Internal Revenue Code. Since that date, I have received a substantial number of comments from taxpayers who have expressed to me their horror at the effect of these retroactively applied proposed regulations, and upon study and reflection of the issues involved, I must strongly agree with their concerns.

The aim of the Subchapter S Revision Act of 1982, which enables Treasury to prescribe regulations on the "one class of stock requirement," was to make the subchapter S pass-thru regime less complicated and more available to ordinary taxpayers. With this goal in mind, every attempt was made to craft the legislation to avoid disqualification of subchapter S status.

Mr. President, as I understand them, these proposed regulations go out of their way to make it as difficult as possible for ordinary taxpayers to make use of subchapter S and disqualify retroactively many existing S corporations. The proposed regulations violate both the spirit and the letter of the 1982 act as well as IRS rulings issued since its enactment.

Taxpayers and their tax advisors have relied on these well warranted assumptions for the last 8 years, and now, many may suffer great hardship to the extent that the proposed regulations apply retroactively and carry oppressive penalties, which includes double taxation caused by revocation of subchapter S status or what can amount to a 21 percent tax increase.

Mr. President, I submit that to change the rules in this manner amounts to no more than a "dirty trick" on small and family-owned businesses which are vital to our Nation's economy.

By letter dated February 7, 1991, to the Honorable Fred T. Goldberg, Commissioner of Internal Revenue, I have requested that he reconsider the proposed regulations. Mr. President, I ask that the full text of this letter be printed in the RECORD at this point.

The letter follows:

COMMITTEE ON FINANCE,
Washington, DC, February 7, 1991.

Hon. FRED T. GOLDBERG,
Commissioner of Internal Revenue, Ben Franklin Station, Washington, DC.

DEAR COMMISSIONER GOLDBERG: A substantial number of my constituents have expressed their concerns to me regarding the proposed regulations issued by the Department of Treasury on October 5, 1990, relating to the "One Class of Stock Requirement" under subchapter S of the Internal Revenue Code. These constituents include unsophisticated and small family-owned businesses who are often not privy to high cost tax advice, but who are vital to the Arkansas economy.

The aim of the Subchapter S Revision Act of 1982 was to make the subchapter S passthru regime less complicated and more available to these ordinary taxpayers. With this goal in mind, every attempt was made to craft the legislation to avoid disqualification of subchapter S status.

It is my understanding that the proposed regulations are at great odds with both the spirit and the letter of the enabling legislation as well as with previous IRS rulings issued since the law's enactment over eight years ago. Moreover, based on these valid assumptions upon which taxpayers have functioned, many may suffer great hardships to the extent that the proposed regulations apply retroactively and carry oppressive penalties, including double taxation caused by revocation of subchapter S status. Such a result is unconscionable, and therefore, I request that you reconsider the proposed regulations.

Sincerely,

DAVID PRYOR.•

HONORING THE MUNICIPAL CLERKS OF WISCONSIN

• Mr. KASTEN. Mr. President, public service is one of the most important ways in which the citizens of a democracy can show devotion to their community.

The men and women who make the machinery of our local government run effectively—meeting our human needs and making our State a better place to live—deserve our gratitude and respect.

The week of May 5–11, 1991, Municipal Clerks Week, will provide all Americans an opportunity to say thank you to their neighbors in public service. I personally would like to extend a special thanks to the Wisconsin Municipal Clerks who will be meeting in Neenah, Wisconsin on May 9.

Thanks for making our lives easier—the citizens of Wisconsin appreciate the important work you do.•

THE FAMILY PROTECTION ACT OF 1991, S. 353

• Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of S. 353, legislation that will reduce the incidence of home contamination from hazardous waste. This bill, the Workers' Family Protection Act, will help fight the risk of the inadvertent introduction of toxic chemicals into workers' homes.

Many workers in our Nation find themselves in jobs where they come in close contact with hazardous materials. Because of this contact, there have been instances where toxic chemicals have been brought into the home by way of a worker's clothing. This has occurred in several homes in my State of New York. Workers in a thermometer factory on the New York/Vermont border were found to have excessive levels of mercury in their homes. In some cases, children were found to have above normal mercury levels in their body fluids. It is probable that traces of mercury found their way into the workers' homes by way of their clothing.

By introducing this bill, Senator JEFFORDS and I hope that a solution to this problem will arise. The Workers' Family Protection Act will empower the government to study the prevalence of home contamination and give financial assistance to States to combat toxic hazards in the home. Of course, businesses are encouraged to seek more efficient ways to eliminate household contamination through providing work-place clothing and laundry facilities.

Mr. President, whenever obvious health hazards exist, we should do all that we can to correct them. This is one such instance. I believe that S. 353 will help lessen instances of home contamination in our Nation. I am pleased to cosponsor this bill, and I encourage my colleagues to join me.•

THE BUDGET AS IT RELATES TO AGRICULTURE

• Mr. PRYOR. Mr. President, today I rise in further response to the administration's budget proposal as it relates

to agriculture. This is a statement that I sincerely wish was not necessary, but due to the serious policy repercussions that this suggested budget would have, I feel it is incumbent upon me to take issue with the proposal and serve a reminder notice to the administration that agriculture was just asked to do more than its fair share in the budget game of this past year. It is way too early to present such flawed and misguided ideas to this chamber in hopes of quietly securing some short-term savings.

Last year we approved a farm bill that placed Federal expenditures at approximately $54 billion over 5 years. But shortly thereafter, we passed a budget agreement that required us to go back and lower agriculture spending to $40 billion. This amounted to a 25-percent cut. It was significant and it was dramatic. Our only consolation was that agriculture was told that the worst was over, that agriculture had done its duty toward balancing the Federal budget and that the budget agreement would be binding for the next 5 years. Now we find that the worst is far from over, and this is disappointing indeed. This latest budget proposes to cut up to almost $400 million more from farm programs.

This latest budget proposal from the administration amounts to broken faith. If our farmers are expected to continue providing this country with a safe and stable food and fiber supply, then these cuts cannot continue.

Just this past Congress, over two-thirds of my Senate colleagues joined together in rejecting the concept of a means test, an idea that has now been resurrected in the budget proposal. A means test is the most poorly devised policy idea to be debated in agriculture in recent years. I cannot fathom how such a program would even be implemented: would farmers be required to take their past year's tax records to the local ASCS office in order to prove how much money they made last year? How would leaders view the stability and cash flow predictability of large farms if those farms were excluded from commodity program benefits? And exactly what will constitute off-farm income * * * income derived from one's interest in a cotton gin, the stock dividend in a rice mill, money made from trucks hauling other's grain to market? These are some of the immediate questions this policy brings to mind, but what about the implications for the future?

If the purpose of farm programs is to improve the stability in agriculture so long term adjustments and technology adoption can take place in order to continue providing a safe food supply, then how will the removal of many farmers from program participation effect these goals? That's one question I know the answer to, Mr. President. Adversely is the only way it could affect them. Further reduction of benefits will only serve to force more producers out of the program, thereby forcing those still in the program to have higher set asides in order to achieve some supply stability, and this will only drive the cost of the program up, and the farmer's income down. Think of the effect such a policy would have on rural business, banks, and the school districts that serve these areas. I have said it before, but clearly someone needs to be reminded * * * this would result in rural chaos. Such a policy would have terrible effects on agriculture, the environment, and the U.S. consumer.

This budget proposal also makes further cuts in the Rural Electric Administration's lending capability. It also reduces the premium coverage for those choosing to use crop insurance. One would think, with all of these ideas sailing around and these fiscal changes being proposed that the administration would have taken the time to allocate funds for disaster assistance for 1990 crops, the only poor crop year that has thus far been neglected in recent years. Why?

This budget proposal says one thing to me. Apparently, this administration does not take last year's budget agreement seriously and it does not take farmers seriously. I think and hope that Congress can do better.

The long-term policy implications that this budget would inflict on agriculture would be severe. Our farmers and the consuming public they serve deserve better.•

CENTENNIAL OF THE PORT OF PORTLAND

• Mr. PACKWOOD. Mr. President, I rise today to recognize an important event for the Port of Portland—the celebration of its 100th anniversary.

One hundred years ago there was a dream to make Portland a major west coast city. However, the treacherous Columbia River was an obstacle to the realization of that dream which needed to be overcome. City fathers were not to be deterred, and in 1891 the Port of Portland was created to dredge a navigational channel from Portland to the sea. In 1910, the commission of public docks was created to develop a waterfront capable of handling increased trade. Sixty year later, the dock commission was merged with the Port of Portland.

The Port of Portland has played a critical role in the development of the city of Portland and its surrounding regions. The port's five diverse areas of operation—aviation, marine, ship repair, real estate, and dredging—make up a complex transportation and development corporation. Its contributions include encouraging trade which amounts to $12 billion a year, creating 38,000 jobs statewide, and stimulating more than $9 million a day in economic activity. These accomplishments have made Portland a vital west coast city.

Again, I would like to congratulate the Port of Portland on 100 years of productive efforts toward making Portland's dream a reality. May the next 100 years be as successful as the last.•

HONORING NORBERT J. HYNEK

• Mr. KASTEN. Mr. President, I would like today to bring to my colleagues' attention the retirement of one of America's most distinguished public servants, Norbert J. Hynek, mayor of Glendale, WI.

Mayor Hynek has served his community with devotion and excellence for 35 years—including the last 18 eventful years as mayor.

The people of Glendale are proud to have had Norbert as a mayor and a friend. On March 1, they will be honoring his character and his many achievements at a public celebration. I am pleased to be able to add my voice to theirs: Thank you, Norbert, and a happy retirement.•

SENATE AGENDA

Mr. MITCHELL. Mr. President, let me just say now for the information of all Senators that at the close of business today, the Senate will begin its nonlegislative work period subject to the callback provisions that were included in the recess resolution adopted by both Houses of Congress yesterday.

Under those provisions, should events require the attention and deliberation of the Congress prior to the conclusion of the President's Day work period, the Speaker of the House and I are authorized, following consultation with the Republican leaders of both Houses, to call the Congress back into session.

Should that provision not be acted upon, that is should we not return until February 19, it is my intention we will act on the following legislation and nomination as well as others that may become available when we return to session on February 19.

I identify these for the information of Senators in my continuing effort to provide as much notice to Senators on the subject matter that the Senate will be taking up, and the timing when those matters will be before the Senate.

When we return on February 19, S. 320, the Export Administration reauthorization bill, will be before the Senate at 3 p.m. under an agreement previously entered into.

There is no time agreement or limitation on amendments to that. So it is possible that there will be votes on that day should amendments be offered.

We will then consider, among other things, as soon as possible, the following matters: the Defense Production

Act reauthorization bill; the Soldiers' and Sailors' Civil Relief Act, to which I have just referred; the Persian Gulf forces benefits bill, to which I devoted my previous remarks, and which I know Senator GLENN and Senator MCCAIN are now about to address; a bill to strengthen literacy and education for American families, which we hope will be soon reported from the Labor Committee; a funding bill for the Resolution Trust Corporation; the Intelligence Committee reauthorization bill, which we expect to be reported in the near future; the nomination of former Gov. Lamar Alexander to be Secretary of Education; and, should it be received by the time we return or shortly thereafter, a supplemental appropriations bill for the Persian Gulf.

With respect to the latter item, we have been advised we can expect to receive such a request from the President in the near future, and I anticipate when we receive that we will want to act on that promptly pending of course action by the House and the Appropriations Committee.

I will have this list printed in the RECORD so Senators will be able to see it and prepare themselves for such, those who have an interest in this legislation, various items listed, and be prepared to discuss them.

And I note the distinguished chairman of the Appropriations Committee is here, and I invite any comments by him that he chooses with respect to the supplemental appropriations bill. As I indicated, we do not yet have such a request. We are expecting one. And I know the chairman is prepared to proceed promptly in that regard, the chairman and the full committee.

Mr. President, I thank my colleagues for their patience, and I understand that Senator GLENN and Senator MCCAIN are going to address a subject I earlier addressed.

I yield the floor.

Mr. MCCAIN. If Senator GLENN will yield for 2 minutes of comment.

I want to thank the majority leader for keeping me and the rest of the Members so well informed as to the business of the Senate. It is very helpful to us in planning our work during the recess. Thank you very much.

I want to make a couple of comments about the package that my friend from Ohio is about to present. I think it is a very important package. It may be the first step, but clearly it is an indication to the Senate, and indeed the American people, we want to do whatever we can to make sure the men and women serving in the gulf receive the benefits that they deserve in this very dangerous enterprise, which we have sent them into.

I want to applaud my friend from Ohio. He has indepth and many years of knowledge of the needs of the men and women in the service. No one is more qualified to address these issues. It has been a pleasure to serve with him on the Manpower and Personnel Subcommittee of which he is chairman, as we have continued now, for many years, trying to provide the benefits and pay for the men and women in the military. This presents, in my view, a wonderful opportunity for Senator GLENN and me to help provide many benefits which were put in the background in previous years, never forgetting that we are an All Volunteer Force. I want to lend my support to the package articulated by the majority leader, which will be elaborated on by Senator GLENN. I thank him for his continued efforts.

I know that this is a first step in a series of pieces of legislation that we need to address in order to make sure that the obligations of the American people are fulfilled to the men and women in the military.

I thank my friend from Ohio for yielding to me.

BENEFITS FOR MILITARY PERSONNEL

Mr. GLENN. Mr. President, Senator MCCAIN and I have worked closely together as chairman and ranking member on the Manpower Subcommittee of Armed Services. To say that we work hand in glove would be an understatement. Whoever has taken the lead on a particular issue, we have seen eye to eye and worked for the benefit of all of our people in the military.

I particularly appreciate his work on these matters, and also his personal friendship. I appreciate his remarks very, very much.

Mr. President, as the majority leader has indicated, there are a number of bills that have been introduced that would provide certain benefits for military personnel serving in the Persian Gulf conflict, and their families.

I think it would be fair to say that we have had a whole flurry of bills, and it is not surprising that that would occur. But I think there is something I should note about the problem, and why all these things have occurred this way.

It is not just a flurry of support that just came out of the blue. It is something that we probably should have foreseen, but really did not, because we have not had a Reserve callup like this in many years. The size of this callup has created some special problems and brought to light things that maybe we should have been smart enough to foresee and plan for in advance; but they have come up now, and we are dealing with them now in the way that we are.

Just the size of this callup is something in its own right. In using the section 673 callup authority, under title 10 as the President has, he has seen fit to activate some 200,000 troops so far, roughly. But section 673 gives him authority to call up to a million reservists for up to a 2-year period.

So once we were made aware of some of the problems we needed to address because of this, the Congress got into action immediately. And so we are in the process of putting together a package that we think deals with these issues in a fair and responsible way.

I am a sponsor of some of these bills, and I am gratified to note that those referred to the Armed Services Committee have already been reported favorably. Other bills have been reported favorably by the Finance Committee and the Veterans' Affairs Committee dealing with Persian Gulf military personnel benefits. And there are other bills pending action in some other committees.

So it is obvious that there is a very strong consensus in this body that we do support our men and women in uniform who are serving in harm's way in the gulf, and we also support their families. We are also trying to deal with unique family problems.

These initiatives include providing benefits such as a 6-month extension for filing of income tax returns, which I introduced as S. 203, and for providing for interest payments on Federal income tax refunds, both provisions which passed the Senate and the House as part of H.R. 4.

I will not try to give all the details of all of these initiatives, because some are very complex.

But these other initiatives include increasing imminent danger pay and hostile fire pay for military personnel, which was last set in 1985. We have had inflation since then. That should be upped. So that has been proposed.

Improving unemployment compensation for military personnel so that separating military personnel will have the same safety net as civilian personnel, who get 26 weeks of protection. Military only get 13. We think those benefits should be the same. It is the same problem for military people, and so the bill would give them the same amount of time to deal with it.

Another is providing the authority for retired military personnel to be recalled to active duty in the highest grade they previously held while on active duty.

Next deals with increasing the ceiling on the amount of savings military personnel serving in the Persian Gulf can set aside in the U.S. Treasury to draw interest at an annual rate of 10 percent. That has been done in previous conflicts, and we think it should be done here.

Next is increasing the service group life insurance coverage for military personnel from $50,000 to $100,000. This would require, along with it, the upping of the insurance premiums that are paid for by the military people themselves, since this is a self-sustaining fund.

These particular bills were reported out favorably by the Armed Services Committee on January 31, 1991, and they complement other Persian Gulf military personnel benefits enacted in the Fiscal Year 1991 Defense Authorization Act last year.

These enacted benefits included free mailing privileges; retroactive payment of imminent danger pay to the start of Operation Desert Shield; reimbursement for unused accrued leave; payment of medical special pays to activated Reserve and National Guard medical personnel; authority for the military services to implement a savings plan for deployed personnel; and authority for payment of housing allowances to activated Reserve and National Guard personnel identical to the entitlement for active duty personnel. Activated Reserve personnel have the same housing problems, and they should be treated in the same way.

Mr. President, I think that this body acted very responsibly last year in providing these measures of support for our men and women in uniform and their families. Since then, we have obviously hit upon other measures that merit our consideration, and I have summarized some of those earlier. Others also worthy of consideration include bills that would improve support for family services and child care, especially for activated Reserve and National Guard families. We provide for relief from payments on Government student loans for activated reservists, and for improvements to the Soldiers' and Sailors' Civil Relief Act that would provide expanded protections for activated reservists with regard to housing, installment loan payments, and reinstatement of health insurance.

Mr. President, these are just some of the many meritorious proposals that have been offered. There are others I have not mentioned that may be equally or even more meritorious.

In order to coordinate all of these initiatives, and they fall across quite a number of committees and quite different interests, the majority leader has appointed me to chair a group of 16 Senators on this side of the aisle to catalog and prioritize these initiatives, and try to find out such things as: would these measures be permanent, or only for the duration of Desert Storm; what would they cost; would they be new entitlement programs that would go on well after Desert Storm was done. We are striving to work out all of these details.

"The Persian Gulf Personal Benefits Task Force," as Senator MITCHELL has entitled it, met on Tuesday of this week with task force members and their staffs to go over the more than 50 bills that have been introduced so far in the Senate and in the House. I note that we are coordinating closely with Majority Leader GEPHARDT who is chairing a similar task force over in the House at the request of Speaker FOLEY. So the task force that I chair is going to be working very closely with Mr. GEPHARDT, also.

For Senators who attended the other day, I thank these Senators and staffers for the work they put into this effort so far. I particularly thank Senators KENNEDY, BRYAN, ADAMS, DASCHLE, BINGAMAN, WELLSTONE, KOHL, and MIKULSKI for the time they invested in the work of the task force and for their participation in the meeting on Tuesday. I also commend Senator BENTSEN, the chairman of the Finance Committee; Senator NUNN, chairman of the Armed Services Committee; and Senator CRANSTON, chairman of the Veterans' Affairs Committee, for the work those committees have done in reporting bills that will be folded into this effort.

I also note what I mentioned briefly at the start of my remarks, that Senator DOLE has appointed a Republican Persian Gulf benefits task force chaired by my good friend from Arizona, Senator MCCAIN, with whom, as I indicated, I work so closely on the Manpower Subcommittee of the Armed Services Committee.

All of us in the Senate recognize that the welfare of our men and women in uniform is not a partisan cause. Their assignment over there on Operation Desert Shield and Desert Storm was not done on a political basis, nor should we support them on a political partisan basis either.

So, we look forward to working together on this in the Senate. In that regard, I note that all of the material that we have developed on this side of the aisle has been shared with our counterparts on the other side of the aisle, Senator MCCAIN and his people, and we are already working together on some of these proposals.

It is my hope that staff will be able to work on this material over the nonlegislative period next week and present their recommendations to us shortly after we return so that we can at an early date vote out an omnibus Persian Gulf benefits package. This package should not really be termed "benefits." It should be termed a "fairness" package, as I see it, because that is what we are trying to achieve.

Now, I know that we have to be conscious about costs, and we are fortunate this afternoon to have on the floor of the Senate the chairman of our Appropriations Committee, who deals with these money matters all the time. Senator BYRD has to work through his committee to provide the money for whatever it is we may authorize in other committees or what we pass here on the floor. No one works harder on this than does Senator ROBERT BYRD, I can guarantee you. I know he shares our concern about the fairness of the issues we are addressing. But we must be conscious about costs, and that is one of the things we are going to be dealing with in the task force that I chair.

We have sent our men and women into harm's way. They have sustained casualties. They have been captured. But they are all volunteers. They knew what they signed up for. They knew what their responsibilities were; they knew the dangers. Their morale is high, and they are performing well by every single performance measure we have heard of from over there in the Persian Gulf area.

But in recognizing that these people were not dragged into service, that they are in the military because they are proud to represent their country, I am proud to say that they are doing a great job, but having said that, as I indicated earlier, this is one of the biggest call-ups we have ever had, in fact the largest I believe, and these people have been uprooted from a stable family environment for an indefinite period of time. There are obvious economic and emotional stresses on them that we need to recognize and compensate for as much as we reasonably can.

Mr. President, these people have been uprooted from a stable family environment for an indefinite period of time, and there are obvious economic and emotional stresses on them and their families, of course, the effect is felt in communities across the country as doctors, firefighters, school teachers, policemen, and other workers are called up.

So while cost is important, I hope that in the interest of fairness which many times is not amenable to the normal rigors of cost accounting, we can deal with these things and be careful not to let overemphasis on cost become an excuse for not dealing with some of these problems that do have some dollars connected with it. Of course, we must be responsible in our approach, and I know that is what we will all do.

Mr. President, I know that this body is united in support for our men and women in uniform and for these families in this very difficult time. And it is likely to get even more difficult since ground combat has not yet started over there.

We talk about our troops being devoted to their country, willing to do what has to be done, and showing great faith. We see interviews from the Persian Gulf area talking with our people there. They have faith in their country, they have faith in the particular service in which they serve, and, more than anything else, they have faith in each other. I bring that up here because that is what combat finally comes down to. You may sign up because of all the great things we talk about, the Constitution, our flag, and patriotism, and so on. And then you get in the service and you develop a special cohesiveness with the people in

your unit, the people with whom you serve. When it comes down to combat, the thing that counts most is faith in each other. Each person there literally goes in harm's way to make certain not to let down their buddies in combat, and it gets to be a very, very small world when it comes down to that.

Our people involved in Desert Storm, wherever they are serving, are keeping faith with us. I feel that that faith has to be a two-way street. We know that faith in us will not be misplaced, that we will deal fairly with them not only now while they are over there, but also after they come back to this country when this is finished. So I know the Congress will stand together to provide all the support necessary not only to prevail in combat but also provide personal support for them and their families, not only as they serve now but when they return.

The majority leader said that we hope to have this benefits package pulled together shortly after this nonlegislative period. We look forward to bringing these matters to the floor and debating them responsibly, keeping in mind that this is the least we can do to keep faith with the people who are doing such a great job over there.

The PRESIDING OFFICER (Ms. MIKULSKI). The Chair recognizes the Senate President pro tempore.

Mr. BYRD. Madam President, I congratulate the distinguished Senator from Ohio [Mr. GLENN]. I know the work that he is trying to do, and I know that we all are very interested in doing what we can to be helpful to our brave men and women who are in the Persian Gulf area today.

I hope that we will be very careful, as we develop legislation, to keep in mind the terms of the budget agreement that was entered into last fall after several months of deliberations. I am fully aware of the fact that the great majority of the Members of this body were not at the summit, only a relatively few Members were there and participated. But we did enter into an agreement, and I think we are honor bound to keep it. I would expect the administration to keep their side of the agreement, and so we must keep ours.

I hope that I can be helpful, perhaps in discussions with other Senators, in bringing about an understanding of what the agreement entails, because without that understanding, our reach might exceed our grasp.

Some may not correctly understand the "emergency" and "Desert Shield" exemptions enacted last year in the Budget Enforcement Act. So I would suggest that Members familiarize themselves with that act, which we passed very late last year. There are terms and implications that we need to understand.

The act contains a provision exempting the costs of Operation Desert Shield from the defense discretionary spending cap. That provision (section 251(b)(2)(D)(ii)) states, in relevant part:

> The costs for Operation Desert Shield are to be treated as emergency funding requirements not subject to the defense spending limits. . . . Emergency Desert Shield costs mean those incremental costs associated with the increase in operations in the Middle East and do not include costs that would be experienced by the Department of Defense as part of its normal operations absent Operation Desert Shield.

I insisted in those summit meetings that Desert Shield costs be handled through supplemental appropriations bills and not be a part of the regular Defense appropriation bills. Otherwise, we would be acting to institutionalize the costs of Desert Shield which we hope will not burden us over a period of many months. But once they are institutionalized and they become a part of the baseline, then that would mean the Department of Defense throughout all the coming years would have those Desert Shield costs included in the baselines and therefore institutionalized.

So I insisted that the costs of Desert Shield would have to come to Congress in supplemental appropriation bills. There was opposition to that approach, but that was the approach that was finally agreed upon.

Only the "incremental costs" of Desert Shield qualify under that exemption. For example, if legislation increased life insurance coverage for everyone in the service, everyone in the service, regardless of any connection with, or any of the needs of, Desert Shield, that legislation would not qualify as incremental costs of Operation Desert Shield because it would go beyond Desert Shield. It would increase the life insurance coverage for everybody in the service.

Another limitation of the Desert Shield exemption from the caps is that it only applies to discretionary spending, not to direct or "mandatory" spending.

At the summit, we agreed upon certain caps, caps for defense, foreign operations, domestic discretionary, and so on. Once we exceed the caps, then a sequester will take place within that category. If we exceed the caps in defense, there will be a sequester. And I was able, with the very strong support of my colleagues who were there from the Senate, to provide that no longer would excesses in defense spending, for example, be taken out of domestic discretionary. Domestic discretionary is to be held harmless. If the caps in defense are exceeded, then the defense category has to take the sequester. If caps in foreign operations are exceeded, then the foreign operations category has to take the sequester.

The sequester will not be visited upon domestic discretionary spending which has been drawn and quartered and mutilated now for the last 10 years to the extent that it only constitutes 11.9 percent of the total budget; in other words, $171 billion in fiscal year 1991.

There are some people around who would like to further cut domestic discretionary spending. Domestic discretionary initiatives include veterans' medical care, health services, welfare, education, research, Park Service, Forest Service, funding for flood prevention measures, rivers and harbors, airports, highways, bridges, mass transit, and so on. I was determined to protect domestic discretionary initiatives.

I said at the summit that what we need to do is invest in ourselves—the Nation. We should take off our green eyeshades. We are not here just to make ends meet, to subtract and add. Let us understand that what we are doing here is providing a 5-year plan for the future of this country. We need to invest in ourselves. We need to invest in our infrastructure.

I was not able to get everything that we need, but we came out very well on domestic discretionary initiatives. And it was not an easy sell. It was hard. But now that that is done, I want us to live up to the agreement. The additional moneys that we got for domestic discretionary spending, I want to see it, as much as possible, go into infrastructure because that was the sales pitch that I made—human infrastructure and physical infrastructure.

Legislation that would extend the period of unemployment compensation for separated military personnel, expansion of unemployment benefits, increases mandatory spending, not discretionary spending.

And even if mandatory programs were exempt, which they are not, the general increase in unemployment insurance would not qualify for the Desert Shield exemption because its focus would be far broader than that necessary to qualify as incrementally related to Desert Shield.

The act contains provisions exempting Presidentially determined emergency spending from both the caps on discretionary spending and the pay-as-you-go requirement for mandatory spending. The exemption for discretionary spending, section 251(b)(2)(D) applies if appropriations are enacted—"that the President designates as emergency requirements and that the Congress so designates in the statute * * *." (Section 251(b)(2)(D)).

The exemption for emergency mandatory spending is virtually identical.

These provisions require a Presidential designation that an appropriation or mandatory spending provision is an emergency requirement. Without a Presidential designation, a congressional designation of an emergency does not ipso facto trigger that exemption.

A second requirement of these exemptions is that there must be an "emergency requirement." Bills that

provide spending that is not required to meet a true emergency do not qualify.

Which means that we have to pay as we go. Otherwise, we may very well exceed the caps in a category and this would bring on a sequester in that same category.

Legislation that would generally and permanently extend the period of unemployment compensation for all former service members would not be a requirement to meet a true emergency. There is a difference in talking about all former service members and a specified group that constitutes an incrementally increased cost. So the requirement must be to meet a true emergency. An emergency is usually a sudden, urgent, and unforseen situation, and not a permanent condition.

We have to pay attention to this agreement. If we do not, we will meet ourselves coming back. We will run right square into ourselves, as though we were walking into a mirror. I think it is important to be clear about the provisions that relate to potential sequesters so that there are no surprises later, after the enactment of legislation attempting to invoke those provisions. If an appropriations bill that exceeds the cap for a category is enacted in the mistaken belief that the excess spending is exempt as an emergency or Desert Shield cost, a sequester will occur. The sequester will be the amount of the excess spending in the category exceeded. If a mandatory bill is enacted that increases spending and does not qualify for an exemption, a pay-as-you-go sequester will occur 15 days after the end of the session, unless legislation that offsets the increase is also enacted. The sequester will be the amount of the increased spending that is not offset.

THE DIRTY DICTIONARY

Mr. BYRD. Madam President, one of the seminal events of the 1960's was the so-called "free-speech-movement" at the University of California at Berkeley, which earned that venerable institution an unwelcomed notoriety from which it has yet to recover.

Beginning as an effort to win open discussion of any issue on campus property, Berkeley's "free-speech-movement" ultimately aimed at seizing control of the university's power levers, and finally it deteriorated into demanding the right to openly use Anglo-Saxon profanity and common obscenities in campus publications, in class discourse, or in public seminars and lectures. Thus, the Berkeley "free-speech-movement" earned the final opprobrium of being called the "filthy speech movement" by a number of irreverent publications.

But even for the cause of obscenity and profanity, crowds of unruly hooligans—students and nonstudents together—turned upside-down one of the world's great centers of learning and research.

Whatever the triumphs of the "free-speech-movement" in the immediate Berkeley locale, from that historical point onward, the use or overuse of obscenities and profanities in common discourse subsequently became a national cultural cause celebre—a sign of true liberation and chic.

From that historical point, Broadway playwrights, movie and television film writers, and popular music librettists vied with one another to see how far they might go and how much they could get away with, in seasoning dialogue and lyrics with gutter language and obscenity.

Culturally, we are still suffering from that 1960's so-called "victory for free speech."

Contemporary movies, television programs, and popular music lyrics seem to be written with no sense of the degradation to which a composition is subjected when it is sprinkled indulgently or deliberately with vulgarities and obscenities.

In the process, our entire cultural discourse is, day by day, being vulgarized, cheapened, uglified, coarsened, and tarnished. So uncritical has this indiscriminate use of raw vocabulary become that many of its worst offenders do not realize that they are habituated to the regular use of obscenities and profanities, or that anybody else might object to such a vocabulary.

This insensitivity might explain a recent example of this cultural rot that I recently came across.

In 1988, Webster's New World Dictionary, the Third College Edition, was copyrighted. This edition of Webster's listed in its introduction an impressive list of apparently distinguished academicians, scholars, and consultants, including faculty members from Dartmouth, Ohio Wesleyan, Vanderbilt, Northwestern, Indiana, Purdue, and Cornell, among others—all respected institutions of higher education.

The quality that most distinguishes this edition of Webster's is, however, not its contributing authorities, but the gratuitous presence among the definitions of a long list of obscenities and profanities.

The regular use of these words and expressions on the Senate floor would earn for their user a general Senate disapproval. As a matter of fact, it would be against the rules to have such language appear in the CONGRESSIONAL RECORD. And if it were continued, it should bring on a cautionary censure.

The use of these words outside a men's locker room or a naval loading dock or comparable settings would label their user as either uncouth and foulmouthed, or an incorrigible, illiterate boor. Indeed, even in the context of this speech, repetition of these vulgarities is not appropriate. So I cannot, nor would I want to, display them here, repeat them, or place them in the CONGRESSIONAL RECORD, even if I were allowed to.

There are words and expressions we have all heard and that some perhaps may have used. So it is not that these are words that we are being introduced to, suddenly; that we did not already know and understand. They are certainly words that everybody knows. Everyone knows their meaning, so why we have to have them in a dictionary is beyond me.

Everybody knows the definition of each word. Those that use the words know very well what they are saying, and those who do not use the words know very well what they mean. The words are self-explanatory. So why they need to be included in Webster's dictionary of definitions is beyond my understanding.

We would not use them in this Chamber in a formal speech. We would not use them in formal letters or in public speeches. We would not use them in polite society. I would not expect someone to come into my house and use such words, or in my office. And we would certainly not use them with respected colleagues, or with people whom we do not know. I would not use such words in talking with other men, much less in the presence of women.

Nor would these words and expressions be acceptable in textbooks, term papers, most wide-circulation magazines and newspapers, scholarly journals, or high school and college themes. These words and expressions have no lasting aesthetic value. Most slang has a currency of one or two generations at the most. As with most vulgarities, one might pray that in time most of these words will pass out of slang use and vanish from common vocabulary.

In any event, nobody needs them to be defined.

Why, then, did the editors and publishers of this edition of Webster's New World Dictionary put into this reference work these vulgarities and obscenities?

Senators, go and look at this dictionary. I daresay that any vulgarity that can cross your mind, you will find it in that dictionary—not only the words, but also phrases using the words. So they are going to teach us not only the definitions—those of us who, if we might imagine such, do not already know—they are also going to give us the phrases.

Why dignify these expressions by immortalizing them in a dictionary?

I once read Webster's Abridged Dictionary from beginning to end. I have had occasion to look in the dictionary, as we all do, many, many times, but never did I see in any dictionary the words that are to be found in this one—Webster's New World Dictionary.

Unfortunately, the Foreword to this dictionary may give the only rationale for the inclusion—in a bona fide reference work—of such a list of obscenities. The Foreword states:

It is not the lexicographer's mandate to pass editorial judgment, but only to describe as best he can, using innate and acquired linguistic sensitivity and lexicographical skills * * *, the language as it exists.

In our era, egalitarianism has reached the ultimate level of ludicrousness. Since discrimination in human relations is supposed to be bad, discrimination in everything is bad. No universals exist. Everything is relative. Therefore, some authorities tell us, Michelangelo must not be judged superior to Picasso, or even to a third-grade finger painter. Beethoven must not be judged superior to Spike Jones or to the Rolling Stones. Likewise, to avoid chauvinistic and racist temptations, witch doctors must be judged as equal to brain surgeons. Lopping off hands and cutting off ears are equally just in one society as are the prohibitions against "cruel and unusual punishment" in our society. Obscenities are as valid in speech or literature as are eloquence and rectitude. Primitive culture is the equal of modern culture. And so it goes.

This kind of objective detachment and relativism is poisoning our common culture—that body of knowledge, tradition, language, legend and lore, and etiquette on which we depend to communicate with one another and by which we identify ourselves as Americans.

If all cultures, all art, and all science are equal, none is superior. If no standards exist by which to judge the primitive from the advanced, excellence from tawdriness, quality from trash, rudeness from courtesy, and substance from dross, how is society to distinguish between the good and the bad?

In fact, whether a society can judge good culture from bad culture or not, the law of monetary debasement serves culture as well. So bad money drives out good money. Bad culture will drive out good culture. Bad art will drive out good art. Bad language debases good language.

If one looks at the Latin language in the Late Western Roman Empire, one finds that, following the collapse of centralized Roman authority in Western Europe, the standards of Virgil, Cicero, Ovid, Livy, and Horace gave way to semi-literacy and even illiteracy as half-educated barbarians swamped the cultural centers of Western Europe. During those centuries that are called "The Dark Ages," cultured Latin was forgotten, and Classical Latin was gradually eroded out of existence by a cruder, vulgarized language noted for its misspellings, its bad grammar, its imprecision, and its often unreadability. Eventually, the common Latin language that had united the Roman Empire deteriorated so severely that people and communities living only a few hundred miles apart could no longer understand one another.

In truth, to prevent the deterioration of American English, since Noah Webster, educated American readers and writers have expected the editors of dictionaries to pass judgment on the English language. "It's in the dictionary," we say, and "it's in the dictionary" has decided more than one office or classroom debate on the spelling, use, or acceptability of a certain word or phrase.

I often say to my staff, "It's in the dictionary. Let us find it in the dictionary."

To millions of Americans, then, the inclusion of obscenities and vulgarities in Webster's New World Dictionary suggests that these words and expressions are now legitimate and acceptable. "It's in the dictionary. It must be all right." But to other, more skeptical Americans, the inclusion of these words and expressions in this edition of Webster's confirms the decline of our culture and is a further cause for alarm.

In essence, the editors of Webster's New World Dictionary [Third Edition] appear to be saying to us:

We no longer have the self-confidence to decide good language from bad. We have lost our bearings. We are adrift culturally. Do not place us in the dilemma of having to appear elitist by passing judgment on the words in our dictionary. Do not leave us vulnerable to being accused of classism, sexism, racism, or any other unpopular "ism." We hereby surrender to smut, obscenity, and debasement. We are cultural positivists and literary agnostics. We abdicate all authority; we claim none. We abdicate all authority to which our Ph.D.'s might once have entitled us. Our responsibility is only to describe and to catalogue. Please do not embarrass us by asking that we take a position on these words and expressions.

One would be shocked to see a list of the words—to which I have reference—that are to be found in that dictionary.

Does the acceptance of, or acquiescence to, vulgarity, smut, prurience, and obscenities by a segment of the supposed cultural elite of this society—in this case, the editors of Webster's dictionary—mean that the debate is closed and that resistance to this degradation of civil speech is moot, futile, or intolerant?

Let me say for the record, lest it be thought otherwise, that I am not a prude. I have worked in the shipyards and elsewhere, and I have heard such words in my lifetime. But I am a believer in civility, quality, literacy, precision, grace, and intelligence in written and spoken English.

I am also an idealist in regard to the substance and content of our arts and entertainment. I believe I would be remiss in my responsibilities as a participant in our cultural heritage and delinquent in my adherence to my own standards if I did not speak out against the continued debasement of our culture.

Perhaps those of us for whom mounting vulgarity and pornography are causes for alarm are voices in the wilderness. Perhaps the hour for reversing the decline of American culture into a new Dark Age is too long past. I hope not. The culture of which we are a part is the developmental heir of hundreds of years of struggle, suffering, heroism, dogged persistence, hair-breadth survivals, burnings at the stake, torture, oppressions, sacrifices, banishments, exiles, pilgrimages, and sheer stubbornness. Only one or two generations of cultural forgetfulness, deliberate repression or neglect, or the triumph of the current philistinism could incalculably corrode this culture and all it has wrought for the human spirit—the dignity of the individual, the accountability of government to the governed, the sanctity of marriage and the family, reverence for intellectual pursuit itself and, indeed, freedom of speech and expression themselves.

Gibbon speaks of the incursions by the Visigoths and the Ostrogoths, the barbarians, upon the Roman Empire and finally in 476 by the Germanic chieftain Odoacer himself, as the Germanic tribes took over Rome itself. Gibbon speaks of how the Eastern seat of the empire went on for 1,000 years, to the year 1453 when it fell to the Turks.

I do not imply that a list of dirty words and obscene expressions in one edition of Webster's Dictionary is the equivalent of the Ostrogoths at the gates.

But the example to which I am pointing is but one more evidence of a creeping cowardice in the cultural dominion. And those who are guilty of this cultural cowardice are, unfortunately, promoting and fostering the same blase attitude in our public schools and our colleges and universities.

Thus is the leprosy spread to another generation—a generation that is already too unfamiliar with Chaucer, Shakespeare, Plato, St. Augustine, Emily Bronte, Dickens, or Emily Dickinson to realize what has been lost until it is too late to find out.

I hope that academicians, writers, artists, filmmakers, and even publishers of dictionaries will realize that they, too, are custodians of culture and quality, and that to bend to the demands of a sophomoric, callow tendency to want to shock society by using dirty words or spray-painting walls with obscene grafitti is a betrayal of our custodianship. I hope these men and women will join in the effort to drive back the darkness that is increasingly tinging our cultural output.

Further, I hope that those men and women in whose hands rest the future of our culture will remember that

shock and freakishness, or vulgarity and obscenity, are not substitutes for creativity, authenticity, or integrity. Let us seek cultural inspiration elsewhere than in the gutter, or, in the future, we shall find ourselves confronted with a culture that is only worthy of the gutter.

Madam President, I yield the floor.

PRAISING VICE PRESIDENT DAN QUAYLE FOR HIS LEADING ROLE IN PROMOTING A U.S. ANTITACTICAL BALLISTIC MISSILE SYSTEM

Mr. COATS. Madam President, I rise today to praise Vice President DAN QUAYLE for the leadership he has shown over the last decade in the area of theater missile defense and conventional cruise missiles. It is important that the RECORD reflect the role that then-Senator QUAYLE played in support of these critical components of our national security.

When it was not as nearly as popular as today to be in favor of developing and producing an antitactical missile defense system DAN QUAYLE led the effort. His foresight and vigilance was critical in the development of the patriot antimissile system that has been so successful in defending American military forces and innocent civilians in Israel and Saudi Arabia. DAN QUAYLE was a driving force in the Senate in support of antimissile efforts. It would not be an exaggeration to say that DAN QUAYLE deserves much credit for giving us the tools to save lives that otherwise might have been lost to Scud missile attacks.

Madam President, I ask unanimous consent that a letter from Senator WALLOP to the Vice President along with relevant information regarding DAN QUAYLE's role in promoting the Patriot and Tomahawk missile programs be printed in the RECORD. I also ask unanimous consent that a similar letter from former defense Secretary Caspar Weinberger be printed in the RECORD. These important documents clearly illustrate the leadership role that DAN QUAYLE played in the development and fielding of these critical weapon systems, which have proved their worth in the Persian Gulf.

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

U.S. SENATE,
SENATE STEERING COMMITTEE,
Washington, DC, February 5, 1990.

The VICE PRESIDENT,
The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: We are very proud of the way the Administration is conducting Operation Desert Storm.

Those of us who, like yourself, have been ardent and consistent supporters of a strong and viable national defense are elated that our defense dollars have obviously been well spent. We are especially pleased by the superb performance of the Patriot missile system. I would like to convey to you our appreciation of your continuous, robust support—both past and present—for the Strategic Defense Initiative.

The performance of the Patriot missile in the war in the Persian Gulf has been superb—almost flawless. It is indeed ironic that the fruits of the SDI program became abundantly clear at a time when many of its staunchest supporters expressed grave concerns over the future of the program. The SDI program has truly reached a critical juncture: Over the years funding for the program has been severely depleted and the scope of the program repeatedly circumscribed. I believe the success of the Patriot program will bring many converts to the cause of providing adequately—both in funding levels and in form—for our Nation's defense.

Some who were critical of the Patriot and SDI may seek to obfuscate their record. However, a record must exist of where Members of Congress stood when the truly difficult decisions were made. I thought you might be interested in the attached segment of the research which deals with your record in this area.

Having worked closely with you on these issues, I knew we would find no greater friend of SDI and the Patriot than Dan Quayle. We look forward to working with you on renewed efforts to ensure that SDI will realize its full potential.

Sincerely,

MALCOLM WALLOP, *Chairman.*

SENATOR DAN QUAYLE'S RECORD ON THE PATRIOT MISSILE

Throughout the mid to late 1980s, then-U.S. Senator Dan Quayle sponsored numerous pieces of legislation designed to reduce the threat of ballistic missile attack on U.S. forces and friendly nations—an approach that anticipated actions such as Saddam Hussein's use of SCUD missiles to terrorize Israel and Saudi Arabia. Senator Quayle's thinking was broad-based and inclusive, and included initiatives to combat ballistic missile proliferation, encourage development of "smart" weaponry, and stimulate development of both strategic and tactical ballistic missile defense systems

Congressional Research Service records indicate, for example, that Senator Quayle was the first member of Congress to request a formal study of the nature and extent of the ballistic missile proliferation problem. This was but one in a long series of efforts on Quayle's part—continuing well into his Vice Presidency—to document and raise consciousness about the problem of Third World ballistic missile acquisitions. Indeed, anyone who wishes to track development of the Iraqi ballistic missile threat need only review the chronology of Senator Quayle's on-the-record submissions on this topic. His leadership in this area and his non-partisan expertise have now become the accepted wisdom throughout the missile proliferation community.

Beyond exposing the extent of the missile proliferation problem, Senator Quayle became the Senate's acknowledged "champion" of Anti-Tactical Ballistic Missiles (ATBM). He argued in articles, letters, and speeches throughout the mid 1980s that the Strategic Defense Initiative (SDI), which Quayle also strongly supported, should include the ATBM mission, that relevant technologies should be shared (both ways) with allies, and that ATBM should be deployed as the first step of an incremental approach to the strategic defense of America.

Senator Quayle accompanied his crusade for American ATBM investment with legislation requiring the U.S., through the Strategic Defense Initiative Organization, to assist allied countries in their own development of ballistic missile defenses. The so-called "Quayle Amendments" of FY 86, 87, 88 and 89 directed DOD to study the ATBM problem, and specified that significant portions of the SDI budget be devoted exclusively toward ATBM research and development. One tangible product of these amendments is the ongoing Israeli Arrow ATBM program. In 1986, the Israeli government formally thanked Senator Quayle for his contributions to their missile defense efforts.

Senator Quayle's opponents in this uphill struggle argued that ATBMs would destabilize regional political balances, violate the spirit of the ABM Treaty, and generally waste taxpayers' money because of ATBM's questionable technological plausibility. A majority of the House Armed Services Committee (HASC) voted in 1984, for example, to slash the Reagan Administration's request for Patriot upgrade funds from $92.3 million to $15 million. In 1987, a majority of the HASC recommended deleting funds for testing Patriot in an anti-tactical missile mode altogether. In short, Patriot faced virtually all of the same arguments in the ATBM context—cost, feasibility, contributions to "stability," etc.—that the SDI program has faced in the strategic context.

When it became plausible in the mid-1980s to give the Patriot Air Defense System a limited "point defense" ATBM capability, the program's proponents found a valuable ally in Dan Quayle. His dozens of articles, speeches, letters to colleagues, and legislative initiatives, on ATBM in general and Patriot in particular, led Senator John Warner to praise an Oct. 2, 1986 Wall Street Journal article in which "my friend and colleague from Indiana discusses some of the possible military missions that SDI could address in the near term. These include defense against limited or third party attacks, as well as theater defense against short range ballistic missiles which threaten our allies in Europe, the Middle East, and Asia." Concluded Warner: "I might add that Senator Quayle was the driving force in the Senate behind the initiation of an anti-tactical ballistic missile (ATBM) system within the SDI program this year."

REVIEW OF THE PATRIOT ATM HISTORY
POLITICAL HISTORY AND SENATOR QUAYLE'S ROLE

ARTICLES

"Away from the Extremes: Incremental SDI" in Journal of Defense and Diplomacy, Nov. 1986, pp. 6–7.

"Begin to Deploy Incremental SDI Where Possible," Wall Street Journal, Oct. 2, 1986.

"Missile Woes," Washington Post, July 14, 1987.

SPONSORED LEGISLATION ("QUAYLE AMENDMENTS")

FY 86 (Sec. 226 FY 86 Defense Authorization Act) directs SDIO to study/report on the adequacy of the Army's anti-tactical missile program for allied defense.

FY 87 (Sec. 212 FY 87 Defense Authorization Act) addresses "Joint Development of Anti-Tactical Ballistic Missile Defense Initiative." Fences $50 million of SDI budget for "joint development, on a matching fund basis, of an anti-tactical ballistic missile system for deployment with NATO allies and other countries that the United States has invited to participate in the Strategic Defense Initiative."

FY 88 (Sec. 207 FY 88 Defense Authorization Act) addresses "Anti-Tactical Ballistic Missile Systems and Extended Air Defense;" specifies that:

$50 million of the SDI budget shall be available only for "experiments, demonstration projects, and development related to Anti-Tactical Ballistic Missile (ATBM) systems."

"Such projects shall be conducted on a matching fund cooperative program basis with United States allies that have signed MOUs for participation in the Strategic Defense Initiative program."

"Any system developed under this subsection shall be designed to be no less capable than the SA-X-12 system of the Soviet Union.

FY 89 (Sec. 206 FY 89 Defense Authorization Act) fences $25 million for anti-tactical missiles; requires "cooperative program" must exist with relevant government if allied firm is involved.

SENATE HEARINGS (REPRESENTATIVE STATEMENTS)

On January 30, 1986 the Subcommittee on Strategic and Theater Nuclear Forces of the Senate Armed Services Committee held the first of two hearings, at the behest of Senator Quayle, on ATBM defenses. Subcommittee Chairman John Warner asked Senator Quayle to chair the January 30 hearing, "out of respect for this initiative [on the topic]."

In his prepared statement, Senator Quayle, stressing NATO and Israel's lack of defenses against tactical ballistic missiles, argued that "we need to pursue development of an anti-tactical missile system and establish a program element for this work. I believe the Services are close to doing this, but they and our allies should be encouraged further."

A fact sheet submitted for the record by Senator Quayle noted that "Plans are underway to improve the Hawk and Patriot systems so they can at least defend themselves against SS-21 and SS-23 attacks, but completion of these efforts is at least several years away."

As part of the record of the January 30 hearing, in response to a written question from Senator Warner, one of the witnesses, Mr. Dennis Gormley, observed that "Patriot's modest capability against conventional missile threats could be improved later on as the SDI program progresses."

At an April 10, 1986 hearing on chemical weapons, Senator Quayle again raised the issue of ATBMs. In response to a question from Senator Quayle, General Jack Merritt (USA) remarked that the Patriot system was being deployed in Europe, and noted that it had some capability against tactical missiles. In response to General Merritt's comments regarding ATBM and Patriot, Senator Quayle observed, "I hope that we work collectively not only with our allies, but institute some possibilities of our own in the near term. We are looking at this for the next two years, and I think there are some things that we can do in the near term. Obviously ATBM and some things that we may learn from SDI in the future would have direct application for what we can do in Europe. We are not cluttered with the ABM Treaty restraints in Europe either. So I really think we have to accelerate this and push it."

On April 24, 1986, at the request of Senator Quayle, the Strategic and Theater Nuclear Forces Subcommittee of the SASC held its second hearing on the subject of ATBM defenses. Once again Chairman Warner praised Senator Quayle for his interest and leadership on this subject.

Concerning the tactical missile threat, Senator Quayle's opening statement noted, "I think it is one of the most important issues we have had to face . . . It is something of deep concern to me . . . I am anxious to learn precisely what our military can do with our allies to address the tactical missile threat. Frankly, from what I have been able to learn in private briefings, the United States has not adequately focused on the urgency of developing near-term defenses against it."

During the hearing Senator Quayle asked, "What do we have that we could deploy in the near term?" The answer, submitted for the record, was that "The Patriot ATM program will develop a capability to intercept and destroy the [deleted] tactical missile in their terminal flight phase. The program will initially develop software changes that will enable the Patriot system to acquire, track, and intercept the [deleted]. The next step calls for the development of additional software modifications that will enable the system to defend [deleted]. Each of these modifications improves Patriot's capability against tactical missiles."

During the April hearing Senator Quayle also mentioned his intention to offer the amendment funding ATBM defenses. He entered into the record the executive summary of the CRS report he had requested, identifying, among other countries, Iraq as a possible tactical ballistic missile threat.

Letters:

February 4, 1986, Senator Quayle writes a "Dear Colleague" letter lamenting Israeli vulnerability to tactical ballistic missiles. Quayle argued: "Defenses against missiles are our best hope to head off instabilities likely to produce wars," and he added that SDI technologies and their near-term application against tactical ballistic missiles deserve funding."

February 11, 1986, Senator Quayle writes Strategic and Nuclear Force Subcommittee Chairman John Warner commending him for scheduling hearings on the conventional tactical ballistic missile threat. Quayle says he looks forward to follow-up hearings scheduled in April.

LEGISLATION—PATRIOT OPPONENTS

In the FY 1987 Defense Bill as it passed the House of Representatives, the Patriot upgrade was eliminated from the Army RDT&E budget. Both Senate bills, however, fully funded the Administration's request of $38.635 million. The final bills produced in conference funded Patriot upgrade at $30 million.

During consideration of the FY 1988 Defense bill, House Authorization and Appropriation bills reduced Patriot upgrade request from $29.501 million to $5.243 million. Senate Authorization bill, once again, fully funded Patriot; Conference bill passed in both Houses funded the program at $26.501 million.

House, Senate, and Conference FY 1988 Defense bills also earmarked SDI funds for anti-tactical missile (ATM) research. In the Senate bill, a Quayle amendment earmarked $100 million of SDI funds for ATM work; final conference bill authorized $50 million of SDI funds for ATM.

Other

On April 23, 1986, in response to a request from Senator Quayle, the Congressional Research Service delivered its first analysis of missile proliferation in the third world. CRS now produces this report annually.

On October 26, 1986, Israeli Ambassador to the U.S. Meir Rosenne writes Senator Quayle thanking him for "the new amendment which you sponsored setting aside SDI funds for the development and deployment of an ATBM defense" in the FY 1987 Defense Authorization Act.

On October 15, 1986, during consideration of the FY 1987 Defense Authorization Act, Senator Warner took the floor of the Senate to praise Senator Quayle as "the driving force in the Senate behind the initiation of an anti-tactical ballistic missile (ATBM) system within the SDI program this year." Congressional Record, October 15, 1986, p. S16466.

SENATOR DAN QUAYLE'S CONVENTIONAL TOMAHAWK CRUISE MISSILE

Senator Dan Quayle's leadership and commitment to the preservation and advancement of conventionally armed, long range, cruise missiles are well known throughout the defense community. In particular, he championed a new generation of systems that exploited advanced guidance (radar) technologies that would give cruise missiles an extraordinary degree of accuracy under any weather conditions, day or night, without the risk to human life inherent in manned aircraft systems. He also advocated the Long Range Conventional Standoff Weapon (LRCSOW) on the same basis, and he fought hard to assure that arms control agreements left conventional cruise missile systems unconstrained.

Recognizing the inherently stabilizing effects of slow moving, highly accurate, weapon systems that were not only non-nuclear but, in fact, capable of substituting for nuclear weapons in many scenarios, Quayle led the movement in the Senate that made conventional cruise missiles a reality and discouraged our acceptance of artificial constraints on cruise missiles. Toward that end, Senator Quayle released a letter urging President Reagan to exclude non-nuclear cruise missiles from the pending START negotiations with the Soviet Union. His reasoning—that constraints accepted in the bilateral context might not make sense in an environment of rapidly proliferating ballistic missiles—proved particularly accurate. With specific reference to the U.S. Navy's "Task Force in the Gulf" in the aftermath of the 1986 U.S. bombing raid on Libya, Quayle argued in a December 1987 letter to members of the Appropriations Conference Committee that even with a "severe budget crisis" limiting defense spending, "it would be a severe mistake to allow the present limitations to still exist when the next crisis requires the Tomahawk."

Senator Quayle spelled out the full thrust of his concerns in these areas in articles published in Strategic Review (Summer 1986) the Armed Forces Journal International (August, 1987), The RUSI Journal (Summer 1988), and in Hearings and Speeches on the floor of the United States Senate.

Speaking in 1986 at a Long Range Planning Conference sponsored by the Chief of Naval Operations (an audience that was hardly predisposed toward the benefits of unmanned naval aviation), Quayle argued that many land attack missions, such as the one recently conducted over Libya, simply didn't require an aircraft carrier. Instead, he suggested, "if we had enough conventionally armed cruise missiles (TLAM-Cs) of the right range in the right place with the right targeting information, we might not have needed so many manned aircraft—and conceivably none at all. Certainly these missiles could have been used to good effect for defense suppression and against known fixed targets."

To fully appreciate the uphill battle Mr. Quayle had engaged, one must understand that declining DOD budgets of the mid 1980s strongly inclined the system toward cancellation of low visibility weapons programs. The cruise missile was particularly vulnerable because it lacked support from the military services. All Ground Launched Cruise Missiles, regardless of their payload, had already been outlawed by the INF Treaty; nuclear Air Launched Cruise Missiles were clearly going to be a part of an upcoming START Treaty; the Soviets were taking an uncompromising position demanding inclusion of Sea Launched Cruise Missiles in START as well; and complicated verification problems would burden any treaty that allowed conventional but not nuclear versions of the system. Worst of all in the arcane bureaucratic realities of defense spending, Air and Sea Launched Cruise Missiles, which are essentially nothing more than unmanned aircraft, were anathema to the traditions of warfighting of the Air Force and Navy, and hence had neither Service sponsorship nor a coveted "operational requirement" from the JCS.

Quayle stressed these points with particular assertiveness to Chairman of the JCS, Admiral William Crowe in Senate Armed Services Committee hearings in February, 1988. Crowe and Defense Secretary Carlucci assured him in response that they would validate an Air Force "requirement" for long range conventional cruise missiles. One news article at the time quoted a pro-cruise Pentagon source as saying that "without Quayle's effort, we'd be in deep quicksand." The source added that Quayle had "held our feet to the fire and made us look to this capability sooner than we probably would have." (see Warren Strobel, "Pentagon Plans New, Post-INF Cruise Missiles," Washington Times, February 25, 1988, A1.)

When one examines events in the Persian Gulf at the end of January 1991, it becomes clear how visionary Quayle's concerns were. The scenario that unfolded over the skies of Iraq on the night of January 17, 1991 were nearly identical to what Quayle had been describing to the Navy and DOD leadership all along. In the first nineteen days of the conflict with Iraq, the U.S. had fired 290 Tomahawk cruise missiles from Navy ships and submarines against heavily defended C^3 facilities, air defense systems, and other heavily defended military targets. Apart from the cruise missiles' obvious ability to penetrate enemy airspace and prosecute military objectives against key targets, the Tomahawks' effectiveness helped establish allied air supremacy within a very short period of time, thus allowing manned aircraft to operate with virtual impunity against mobile targets (such as SCUDs), against dispersed ground deployments, and in defense of American fighting men and women on the ground. The new weapon clearly saved numerous expensive manned aircraft and countless pilots' and soldiers' lives.

DAN QUAYLE'S CONTRIBUTIONS TO THE MID-1980'S CRUISE MISSILE DEBATE

LETTERS

December 11, 1987 "Dear Conferee" letter to members of the Senate and House Appropriations Committee members. Quayle's letter, with no co-signers, advocated the House appropriated amount of $89.1 million, rather than the Senate's $45 million for FY 88. "I am writing this letter," it began, "to urge your support to sustain funding of an urgent effort to correct significant limitations associated with our "conventionally armed Tomahawk cruise missiles. These limitations, first identified in the 1986 Libyan raid, still exist today in the cruise missiles on alert in the Persian Gulf."

April 26, 1988 letter to the Secretary of Defense, issued from Quayle's office with eleven co-signatories. Letter argues that it is essential that a "long range, conventional cruise missile program [be] funded in the Defense Department's 1990-94 Program Objective Memorandum (POM)." It was particularly important, according to this letter, in the "post INF/START environment to assure that we field the highly accurate, mission flexible, conventional long range cruise missiles we need, when we need them."

May 12, 1986 "Dear Colleague" letter out of Senator Quayle's office, co-signed by Senators Wilson and Wallop, arguing that Air Launched Cruise Missiles were slow, accurate, and inexpensive alternatives to nuclear weapons, which should be protected from the provisions of arms control agreements designed to enhance stability and reduce nuclear arsenals. Instead, we should avoid "limits that encourage a disadvantageous competition in first-strike weapons, that repress our competitive advantage in second-strike systems, and that block conventional weapons developments that could help deter attacks against us and our allies.

March 1988 letter to President Reagan, followed by a March 4, 1988 "Dear Colleague" letter, both out of Senator Quayle's office and co-signed by Senator Bradley, urging exclusion of conventional cruise missles from START. Argues that reliance on more discriminate, survivable systems would provide a "cost-effective, stabilizing alternative to nuclear systems.

December 16, 1987 letter to the Secretary of Defense requesting transportation support for a Senate delegation's trip to witness demonstrations of recent Naval and Air Launched Cruise Missile improvements.

ARTICLES

"Upgrading our Cruise Missiles: Imperative for the 1990s," in Armed Forces Journal International, August 1987, pp 76-80.

"The Next Step for the U.S. Navy," in Journal of Defense and Diplomacy, Volume 6, Number 3 (1988).

ROGERS & WELLS,
Washington, DC, January 23, 1991.

The VICE PRESIDENT,
The White House, Washington, DC,

DEAR MR. VICE PRESIDENT: Just a note to let you know that I, for one, have not forgotten your vigilance when you were in the Senate in support of the PATRIOT system. I can recall at least two occasions when you were personally responsible for saving that program when the Congress tried to kill it. I cannot imagine, nor do I wish to think about, where we might be right now without the remarkable capabilities of that system. You can, and should, be proud of the foresight you showed in assuring its completion and deployment, and also take great pride in how very well it has worked in the unfortunate situation in the Gulf.

With warm best wishes, and when things cool down a bit, I hope that we will be able to get together for lunch once again.

Sincerely,

CASPAR WEINBERGER.

TERRY ANDERSON

Mr. MOYNIHAN. Madam President, I rise to inform my colleagues that today marks the 2,154th day that Terry Anderson has been held captive in Lebanon.

THE 50TH ANNIVERSARY OF THE USO

Mr. GARN. Madam President, I rise today to honor the United Service Organization, founded by President Roosevelt as they celebrate their 50th anniversary of service to our great men and women in the Armed Forces. As we direct our energies toward the war in the Persian Gulf, it is important to recognize organizations that provide such extraordinary support to our military community.

For the past 50 years the USO, a voluntary charitable organization, has assisted our young men and women in the Armed Forces, both at home and abroad. Most of us know the USO from the "Bob Hope Tours" yet, there are many other services the USO provides. They have been the soldiers best friend throughout World War II, Korea, Vietnam and now for Desert Storm. The desert deployment was something new to the troops and the USO recognized the special needs of the soldiers. The USO Gulf Crisis Fund was organized through donations from corporate leaders like American International Group, Anheuser-Busch, The Coca Cola Co., Arco, and AT&T. By October, the USO had televisions, camcorders, and VCRs on the way as part of the "Better Than a Letter" Program, sponsored by Montgomery Ward. They have also sent over 100,000 service men and women Oasis packages, courtesy of Philip Morris.

The USO does not only function overseas, they also have USO-Metro chapter, that is located in Washington, DC. This chapter focuses solely on meeting the needs of the area's military community. USO-Metro provides programs such as emergency housing, community day fairs, job fairs, free infant car seats and theater/sport tickets, tours and orientation, and many other activities. The USO-Metro is particularly busy working with the families of servicemen and women involved in Operation Desert Storm. The volunteers have been working to organize a contingency plan for Desert Storm families in event that casualties are brought to area military and veterans' hospitals. They have worked to provide discount rates from local hotels and transportation companies and organized information centers at both Dulles and National Airports. They hope to be able to provide as much support as needed to these families.

The USO World Headquarters and the USO-Metro both are funded from United Way/Combined Federal Campaign and the generosity of private individuals, corporations, and associations. The USO receives no local or Federal Government funding.

Madam President, I know that my colleagues join me in wishing the USO

a special thanks for 50 years of generous service to our Armed Forces.

PROTECTING OUR NATION'S MILITARY FAMILIES: A RESPONSE TO SECRETARY CHENEY'S LETTER

Mr. HEINZ. Madam President, yesterday I discussed a proposed sense of the Senate resolution expressing the concern of the Senate for the well-being of American children whose parents, or only parent, are serving in imminent danger areas of Operation Desert Storm.

Today, I received a copy of a letter from Secretary of Defense Cheney to the distinguished majority leader in response to this request, and I will ask that the letter be entered into the RECORD. The letter expresses the opposition of the Department of Defense to any legislation which would mandate a change in Pentagon regulations regarding the assignment of American troops to Desert Storm. Many of their objections are understandable, and I am fully cognizant of the source of the Pentagon's concerns.

I realize, for example, that our Armed Forces are composed of volunteers. I realize as well that there is a fear that military couples and single parents will experience discrimination under certain circumstances. Indeed, I applaud the Defense Department for its care and concern about the viability of the careers of thousands of volunteers who may well wish to serve in Operation Desert Storm.

The Secretary's letter is a sensible, solid letter, Mr. President. It is well-reasoned and clear. Unfortunately, it is also not relevant to the specifics I described here yesterday, and I will ask that the text of the resolution be included here in the RECORD.

As you can see, the Secretary's sensible objections would relate to a binding mandate to make a dramatic and permanent change in U.S. military policy. But again, they are objections that have nothing to do with the changes I am requesting—requesting, Madam President, not demanding—in personnel policy.

First of all, we are not asking that the defense department create a blanket prohibition on the assignment of married couples or single parents to imminent danger areas. Rather, we ask only that such service men or women be granted individual requests to perform their duties in areas that will not leave their children orphaned in the wake of an attack involving weapons of mass destruction. Surely the United States military is large enough and flexible enough to make this one small provision for the protection of the children of military families.

Second, my resolution makes clear that those military families who wish to serve in such areas may do so. As Secretary Cheney points out, the people now serving in the gulf are volunteers, many of whom were called back to active duty after years of civilian life. But I would bring to the attention of the Senate, and to the Secretary of Defense, the following article from the Philadelphia Inquirer, about the travails of two young mothers who received their orders to report to the gulf even as they were giving birth. I will ask that this article be placed in the RECORD.

Madam President, is this what we have achieved with a volunteer military? Is it in the best interest of the United States of America, and the U.S. Armed Forces, that we take new mothers, days after delivering their infants, and place them in the way of Saddam Hussein's missiles? This, in my view, defeats the entire purpose of a Volunteer Army. I believe that we owe our volunteers more consideration than to treat them as bodies in uniform, rather than sons, daughters, mothers, and fathers.

Third, my resolution takes cognizance that there may well be special circumstances in the combat situation as it now exists in the Gulf where such reassignment would impose a burden or risk on our military. Those who therefore argue that this approach constitutes some kind of policy straightjacket are clearly misinformed.

The fact is, Madam President, that all U.S. Forces are not, in Secretary Cheney's words, "fully deployable anywhere in the world." Even General Colin Powell himself yesterday accepted that it would be unwise, in his words, to have married couples sharing the same foxhole.

I fail to see why the Defense Department, and many of my colleagues, refuse to accept the new social realities that affect the U.S. Armed Forces, and to support changes that would take those new realities into account with little disruption to the military or its efficiency.

Once again, I ask my colleagues to join me in this humanitarian request. The children of our military families should not be held hostage to bureaucratic intransigence, and because time is of the essence in this war, I intend to pursue this matter both on the floor of the Senate and with the Department of Defense until our military children are given their due consideration.

I ask that the proposed language be printed in the RECORD.

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

PROPOSED LANGUAGE OF MILITARY FAMILY RESOLUTION

Whereas, the young men and women of our Armed Forces are making great sacrifices in the service of their country and in the defense of freedom in the Middle East; and

Whereas, many of our men and women in uniform may be called upon to make the supreme sacrifice, and in some cases have already laid down their lives; and

Whereas, the changing nature of American society has created a first-rate volunteer military in which many couples now wear the uniforms of the United States Armed Forces; and

Whereas, the enemy's possession of missiles, and weapons of mass destruction, and his clear willingness to use them, has created a situation in which no one serving in the Middle East may be considered out of imminent danger; and

Whereas, there is no provision in the existing "sole survivor" regulations of the department of defense to protect children from the catastrophic loss of both, or their only, parents; and

Whereas, it is a grave danger to the well-being of our military families and their children to allow the children of American servicemen and women to become orphaned because of the use of these horrible weapons either in combat or against civilian targets; then

Be it therefore resolved,

That it is the sense of the Senate that provision be made, at the request of the serviceperson, for preventing the assignment of two parents, or a single parent, of a minor child or children, to a combat or imminent danger area of the Operation Desert Storm theater, and be it further

Resolved, that the Senate requests that the Secretary of Defense arrange for prompt and appropriate reassignment of one parent, in cases where both parents, or the single parent, are in such area, to other military duties outside of such area, unless such reassignment would impact the safety, mission capability or combat effectiveness of the unit of the serviceperson making the reassignment request, and that the Secretary of Defense should report any such changes in policy regulations or rules within 15 calendar days of the passage of their resolution. Such report shall include any changes anticipated or made since the commencement of Operation Desert Shield, together with their effective date.

THE SECRETARY OF DEFENSE,
Washington, DC, February 7, 1991.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: One of the matters raised in the session we had with the Senate yesterday was a proposed resolution expressing the sense of the Senate that we take immediate action to ensure that no single parents or military couples with children serve in the Desert Storm theater of operations. We both stated that we were strongly opposed to such a resolution and to the policy it encourages. We would like to take this opportunity to explain more fully the reasons for our opposition to the policy and to the draft resolution prepared by Senator Heinz. We have discussed this matter with the Joint Chiefs of Staff, who join us in strongly opposing any such policy.

The military is a profession of arms that ultimately exists for a single purpose: to do battle when called upon by the leadership of the United States. Every dollar we spend, every action we take, and every policy we adopt must and should support that purpose. All members of that profession of arms serving today are volunteers. They understand that when they volunteered to serve, they freely assumed the duty and obligation to place themselves in harm's way when called upon to do so. That shared obligation is crucial to the unit cohesion that is the foundation of our combat capability.

That understanding and obligation is held equally by the single parents and military couples now serving around the world, including in the Desert Storm theater. Their exposure to the risks inherent in military service is not new. Years ago, the Department of Defense made the considered policy choice not to treat single parents and military couples as second class citizens, and to allow them to serve anywhere in the world, in every type of unit, and in any position. For decades, single parents and military couples have been serving well and honorably in places like Korea and Europe, places where the possibility of sudden and lethal combat was very real. They served in Operation Urgent Fury in Grenada and in Operation Just Cause in Panama. Their service and contributions, including their service in Operations Desert Shield and Desert Storm, have demonstrated the wisdom of that policy choice.

We are and have been sensitive to the needs of all of our military families, including the special needs of our single parents and military couples. For that reason, we have a longstanding policy of requiring every single and military couple to maintain a current family care plan to ensure that their children are cared for when the parent or parents deploy. That policy is working well. Our single parents and military couples across the board have been meeting their obligations both as members of the military and as parents.

In our view, it would be a serious mistake, particularly while we are engaged in combat, to reverse our longstanding policy that single parents and military couples are fully deployable and available for assignment anywhere in the world. Requiring their redeployment from the Desert Storm theater now would weaken our combat capability by removing key personnel from our deployed units and by undermining unit cohesion and esprit de corps. It would also break faith with our single parents and military couples and with their comrades who depend on them every day.

We understand and appreciate your concern. We share that concern, not only for our single parents and military couples, but for every member of our Armed Forces who is serving in Operation Desert Storm. We urge you, however, not to allow that concern to lead you and your fellow Senators to call for a policy that, in our view, would be both unwarranted and unwise.

Sincerely,

DICK CHENEY,
Secretary of Defense.
COLIN L. POWELL,
Chairman, Joint Chiefs of Staff.

[From the Philadelphia Inquirer, Feb. 6, 1991]

CALLED TO DUTY—WHILE IN LABOR

(By Katharine Seelye)

Although Saddam Hussein has described the gulf conflict as the Mother of Battles, for some in the United States it's a case of embattled mothers.

Faith A. Stewart, 21, of South Williamsport, was in labor at home when she got the news. As an Army reservist, she had been called up for Persian Gulf duty. The next day, she had a caesarean section. She was given a 15-day delay from her Jan. 31 call-up date.

Carolynne D. Zales, 19, of Muncy, was at home when her notice arrived. She, too, had been called up. Two days later, she gave birth. She was given a 10-day delay, and is to report Sunday to Fort Lee, Va.

The two are among the 21,000 ready reservists called up in the last two weeks, the biggest call-up of ready reservists in 30 years—since the Berlin Wall crisis in 1961.

The latest call-up includes single parents and the at-home spouses of reservists already overseas—and now, brand-new mothers whose husbands are already overseas.

Both Zales and Stewart are hastily making plans for in-laws to care for their infants. With the clock running out, Zales was scheduled to prepare her will today. "I'm realizing that I won't get to see him sit up for the first time, or walk or talk," she said.

She said that when she first called to say there was a mistake, she was told that there were 250 cases exactly like hers. "I couldn't believe it," she said. Her husband, an Army mechanic, has been in the gulf for five of the seven months they have been married. "If there are 250 cases just like mine," she said, "then the government is really messing up."

At the moment, 70,000 couples with children and 67,000 single parents are serving in the gulf, according to the Pentagon.

"A young mother, under law, who is a member of the Individual Ready Reserves, is just as obligated as a young man who doesn't have any children," said Lt. Col. Art House, spokesman for the Army Reserve Personnel Center in St. Louis, the clearinghouse for reservists who are not in units.

"Obviously," he added, "compassion is appropriate and necessary in many of the cases, but there is nothing in the law that says young women don't have to go. They joined of their own free will. Granted, their circumstances may have changed, but the obligation remains. We're being compassionate on a case-by-case basis, and the delay-and-exemption apparatus is hearing from young women in this circumstance."

Other new mothers have been protesting their immediate call-up. House said that of the 18,000 inquiries made to the reservists' hotline since Jan. 18, 172 calls were about pregnancy, 134 were about single parents and 2,100 were questions about the delay-and-exemption procedure.

The Army knew Stewart and Zales were pregnant—both had been discharged from active duty because of their pregnancies but remained in the reserves.

"I thought it was unreal," Stewart said of her call-up. "There I was in labor." Now, she is contemplating having to leave her baby with in-laws in Florida. "But I really feel that a mother or father should be raising him. He's just 2 weeks old. I think it's awful they're taking both parents away." Her husband is a tank driver in the desert.

Stewart and Zales received their notices Jan. 22. Stewart gave birth the next day; Zales the day after that. They met in the maternity ward at Williamsport Hospital.

Each was granted an initial delay. Stewart has heard nothing further; Zales received orders Monday to report Sunday—or face court-martial.

"I called St. Louis [the reservist center] and said there must be some mistake because my son will be only 2 weeks old," Zales said. "They said there was no mistake, that I had to report and bring [several documents] with me. I can't bring my baby."

Meanwhile, their congressman, George W. Gekas (R., Pa.), is attempting to halt their call-ups.

Also, Sen. John Heinz (R., Pa.) has introduced legislation to prevent the military from assigning both parents in a family to combat. Heinz is planning to call today for a sense-of-the-Senate resolution. Grant Oliphant, a spokesman, quoted Heinz as saying, "We've gone to such great lengths not to orphan Iraqi children, but we aren't willing to make a slight policy change not to orphan our own children."

Had Stewart and Zales stayed on active duty, they would have automatically received a six-week leave. They enlisted in the Army in 1989 to obtain money for college. Zales was an equipment records and parts specialist. Stewart was a supply clerk.

Generally after giving birth, women wait four to six weeks before resuming normal activity. Joseph Ahram, an obstetrician and gynecologist in private practice in Norristown, said that he would recommend a 12-week recovery period for a woman after a C-section.

As for a normal delivery, he said, each case is physically different, "but the well-being of the baby and the mother would be jeopardized by early separation."

ACHIEVING SOVIET COMPLIANCE WITH A STRICT INTERPRETATION OF THE CFE TREATY

Mr. BIDEN. Madam President, I rise today to address a critically important arms control question that may soon confront this body during Senate consideration of the Conventional Forces in Europe [CFE] Treaty.

Today, Secretary of State Baker and I discussed this issue during his testimony to the Foreign Relations Committee. He reaffirmed two critical premises of the Bush foreign policy originally outlined by Secretary Baker himself in the fall of 1989. He reiterated, first, that "any uncertainty about the fate of Soviet reform is all the more reason, not less, for us to seize the present opportunity"; and second, that our goal should be to lock in Soviet arms cuts through formal treaties because "a diminished Soviet threat and effectively verifiable agreements can endure even if perestroika does not."

We then went on to discuss how the administration and the Senate can proceed most effectively toward the goal of locking in Soviet conventional cuts through the CFE treaty.

The problem we face is that the Soviet Union is, at the moment, espousing what might be called a broad interpretation of article III of the CFE treaty. The Soviets argue that some 3,500 pieces of equipment should be excluded from the required reductions on the grounds that they have labelled it naval equipment.

Ironically, this Soviet claim resembles the claim made by former State Department Legal Adviser Abraham Sofaer when the Reagan administration sought to invent a broad interpretation of article V of the ABM Treaty. That earlier broad interpretation was a matter of considerable dispute between the Senate and the Reagan administration. But on the current matter, there is no dispute within the U.S. side. I believe it's fair to say that all Senators familiar with this issue agree with the administration.

Article III of the CFE Treaty states that all relevant equipment located in the zone from the Atlantic to the Urals is covered by the treaty's limits unless such equipment is specifically exempted. Examples are equipment for research and development, for export, and for internal security forces. All are explicitly exempted.

As I understand the Soviets' position, they are saying that the clear langauge of article III has become ambiguous because of the existence of a separate, politically binding declaration on land-based naval aircraft. In argumentation eerily similar to that used by the Reagan administration on the ABM Treaty—argumentation I found just as unpersuasive—the Soviets say that article III cannot be narrowly read as including everything that is not explicitly excluded. Otherwise, they assert, there would have been no need for a separate statement on land-based naval aircraft.

After examining the treaty and after contacts with our CFE negotiator in Vienna, Ambassador Woolsey, I can see no reason whatsoever to give any credence to the Soviet claim.

Madam President, the administration has quite properly taken a firm position on this question and several other data-related issues. The other issues concern: First, the movement of large amounts of conventional equipment outside the CFE zone to locations east of the Ural mountains; and second, the differences between our intelligence estimates of their equipment and the treaty-defined objects of verification [OOV's], on the one hand, and their declaration of equipment and OOV's, on the other.

Secretary Baker has stated that until these problems are resolved the administration does not plan to submit the CFE Treaty to the Senate for consent to ratification. I understand this position, which is consistent with that of several of my colleagues on the Armed Services and Intelligence Committees, Republicans, and Democrats.

Madam President, I hope that these issues can be resolved in the coming weeks when United States, Soviet, and other European negotiators meet in mid-February in Vienna to make the final adjustments to the data declarations.

However, if diplomatic contacts between the administration and the Soviets are successful in resolving the other issues adequately, but the Soviet side does not move to abandon its unjustified interpretation of article III, I believe—and so suggested Secretary Baker—that the administration should consider submitting the treaty to the Senate without further delay.

In that case, I told Secretary Baker, when the resolution of ratification is considered by the Foreign Relations Committee—and Chairman PELL has already delegated to me responsibility for managing the treaty—I would offer a formal reservation whereby the Senate would consent to ratification on the condition that these or any other naval units would not be considered exemptions under article III. This position would be consistent with that already adopted by all of the 21 other parties to this treaty.

I would remind my colleagues that in the case of the Krasnoyarsk radar, where most of us in Congress shared the administration's view our united stand resulted in a Soviet back down from an untenable position. I believe that we can replicate that achievement in the case of the current dispute. With the Senate having consented to ratification on condition that all parties accept a strict interpretation of article III, the United States and its allies could move the issue in effect to the ratification table, where we would await Soviet agreement to an interpretation accepted by every other party to the treaty. President Gorbachev and others in the Soviet leadership would then face a fundamental question with the whole world watching: Do they want to be a responsible partner in a new Europe governed by international law or do they want to return to the days of being outcases from the Western community of nations?

Madam President, I strongly believe that this approach could prove to be the best way to put maximum pressure on the Soviet Union to accept the proper interpretation of article III of the CFE Treaty. If the Soviets eventually accede to that interpretation, we can move forward to achieve the goal Secretary Baker reaffirmed today—which I share—of locking in Soviet arms reductions as quickly as possible through a formal treaty mechanism.

To repeat, the reservation I envision would state that the Senate consents to ratification of the CFE Treaty on the condition that article III be interpreted strictly and narrowly to encompass all treaty-limited equipment in the CFE zone not explicitly excluded in article III. Whether compliance with this condition would take the form of the Presidential certification or formal Soviet acceptance in the instruments of ratification could be decided later.

Like many of my colleagues, I abhor the unconscionable violence in Lithuania and Latvia perpetrated by Soviet authorities. But we must be wary of ill-considered linkage between the CFE Treaty and violence in the Baltics, lest we do damage to our own interests and the interests of the nations and peoples of Eastern Europe seeking to achieve and consolidate freedom. The CFE treaty can accelerate and confirm the Soviet withdrawal of Soviet forces from Eastern Europe and the destruction of tens of thousands of conventional Soviet armaments. With forces reduced to the verifiable CFE limits, the Soviet Union would never again be able to subjugate the peoples of Hungary, Czechoslovakia, and Poland as they were subjugated in the past. For similar reasons, early ratification of the CFE treaty can be expected to serve the long-term interests of those in the Baltic states struggling to achieve and consolidate freedom.

Because the CFE Treaty will represent a confirmation and codification of the revolutions of 1989, I urge my colleagues to consider this matter carefully before jettisoning this agreement—or delaying in indefinitely—in the heat of justifiable outrage over Soviet actions in Lithuania, Latvia, and Estonia.

APACHE SILENCES ITS CRITICS

Mr. DECONCINI. Madam President, the AH-64 Apache attack helicopter has been the subject of great and, I would argue, unwarranted criticism. Last year, the Apache came under fire when the General Accounting Office [GAO] released a report based in large part on outdated information. Recently, however, a team of GAO investigators returned from Saudi Arabia where they had the opportunity to see the Apaches in action. They saw the maintenance teams at work on these high-technology helicopters. They witnessed first hand the ability of these "birds" to operate in the harsh desert conditions. They saw the adequate levels of the spare parts. Apparently, the only criticism the GAO team could make was the fact that the Apaches are flying as well as much as they are because they are receiving adequate maintenance.

This should not be viewed as a problem. High-technology aircraft are, by design, maintenance-intensive. Consider the F-15 Eagle. It is a high-technology, fighter aircraft with a dedicated maintenance crew. Increasing the size of the maintenance crews was one of the many fixes which the Army, in conjunction with McDonnell Douglas Helicopter Co. of Mesa, AZ, identified over a year ago. This was also something which the GAO suggested in its critical report last fall. By the time the report was released, the Apache action team had already initiated an aggressive plan to address the maintenance problem. No big surprises, just the hard work of the maintenance crews doing their job and making sure their helicopters fly.

And fly they have. The Apache has performed so well in the gulf war that its critics have been silenced. The Apache also performed well during Operation Just Cause in Panama. As a result of its night-vision capabilities, it was heavily involved in the predawn assault on Panama. Apaches used in Panama took numerous small arms hits and kept on flying. They got their crews safely back to base and some of them were even repaired and returned

to battle. Many of our older helicopters would not have been able to do the same.

Now, during Operation Desert Storm, the Apache is finally getting an opportunity to prove itself on the battlefield. After all, it was born and tested in the desert. Now it is saving lives and performing more roles than just the tank-killing capability for which it was designed. We had one crash a week or so ago. While the details of the crash have not been released, we do know that the crew survived, in part, no doubt, to the enhanced survivability designed into the Apache airframe.

The Apache was designed to perform in all weather conditions. When it is fully armed it can carry eight Hellfire precision-guided missiles and 1,200 rounds of 30-millimeter armor piercing ammunition. The Apache's day and night striking capability gives it an added advantage over mobile ground armor which lacks a night-vision ability. Presently, the Apache is the only day, night, adverse weather, heavy attack helicopter in production to support United States and other allied ground forces. As the Army has repeatedly stated, "Apache owns the night!"

Thus far, the Apache has played a significant role in the recent border clashes with Iraqi forces. The most notable was the repelling of the incursion by Iraqi infantry and armor into Khafji. According to an article in last week's Defense News, the Apache has also played a significant role in striking key Iraqi military installations and other sites inside Kuwait. I will ask unanimous consent that the Defense News article be printed at the conclusion of my statement. Apparently, the Apache squadrons have been operating primarily at night, targeting Iraqi artillery sites close to the Saudi border which have been exchanging fire with our Marines.

Military officials have released little information on the role the Apache will play in the soon-to-come ground war. Yet it is widely speculated that it will play a key role in knocking out Iraqi air defense sites and artillery units in the initial hours of the ground assault. The Apache was designed to destroy enemy tanks during offensive action in Central Europe. The same type of tanks we expected to face off against in Europe are now hiding beneath Iraqi desert fortifications. The Apache can kill enemy tanks in the desert as well as in Europe.

It is unfortunate that we had to wait until the heat of battle to witness what a force multiplier our Army has in the Apache. But I am pleased and proud that our men and women fighting for us in the desert have the best system available to them. When you talk to the pilots who fly the Apache, they can tell you how satisfied they are by its performance. I would rather listen to them than a pencil-pushing, GAO bureaucrat any day.

I ask that the article to which I referred be printed in the RECORD.

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

[From the Defense News, Jan. 28, 1991]

SHOWDOWN IN THE GULF—APACHE'S VALUE IS CLEAR DESPITE GULF SECRECY

(By Caleb Baker)

WASHINGTON.—The AH-64 Apache attack helicopter, its mission in Operation Desert Storm still cloaked in secrecy, is playing a decisive role in striking key Iraqi air defense sites and artillery units, military officials say.

In contrast to high-profile U.S. and allied aircraft participating in the pounding of strategic targets in Iraq and occupied Kuwait, the Department of Defense has been unwilling to disclose the mission of the U.S. Army Apache, the most modern helicopter in the U.S. inventory.

Army spokesman Maj. Pete Keating said last Wednesday that the Apache is doing well in Operation Desert Storm. That is the most the Pentagon or the U.S. Central Command at the Saudi Arabian capital of Riyadh has revealed about the helicopter's missions, even to congressional officials and executives of the Apache's makers at McDonnell Douglas Helicopter Co., Mesa, Ariz., officials said.

On Jan. 18, Army Lt. Gen. Tom Kelly told Pentagon reporters that "the Apache helicopter has been used" and "has fit right in with the campaign plans" of the war. But he refused to disclose the specific mission of the helicopter.

Kelly added that the mission of the Apache could include support of special operations.

The reason for the veil of secrecy is related to the Apache's role in the initial stages of the air campaign against Iraq, according to defense and industry officials. Iraqi artillery could target the Apache as the chopper, hovering five miles away, launches laser-guided Hellfire missiles at Iraqi radar installations and other artillery posts, sources said.

Military officials last week said the Apache has been successful, eliminating specific targets with pinpoint precision. Apache pilots are taking advantage of massive aerial bombing of Iraq by such aircraft as the B-52 bomber and F-15 and Tornado attack aircraft to hit Iraqi targets closer to the Kuwait-Saudi border, sources said.

"The Iraqis are looking up for fast-movers," said one Army official. "They are not looking down."

The AH-64 Apache was designed in the late 1970s to destroy enemy tanks in offensive action in Central Europe. However, the difficulty of spotting stationary Iraqi tanks concealed in sand berms has led military planners to employ the aircraft against more visible air defense and artillery sites, officials said.

Operating primarily at night, the Apache is targeting Iraqi artillery close to the border to protect allied ground troops, sources said. Although the allies had launched no ground offensive by the end of last week, U.S. Army and Marine units have routinely become involved in skirmishes with Iraqi troops along the 100-mile border dividing Kuwait and Saudi Arabia.

In most cases the Apache is working in conjunction with A-10 Thunderbolt 2 tank-killing aircraft to strike Iraqi artillery.

The Army has deployed at least 90 Apache helicopters with five battalions to the Saudi Arabian desert. These aviation battalions, each equipped with 18 Apaches, last week moved further north toward the Kuwaiti border in preparation for a possible ground assault. One Apache was lost last Monday when it crashed as it landed at a refueling point. No one was hurt in the incident.

In battle the Apache is expected to be used in air-to-air combat against Iraqi Army helicopters and against Iraqi tanks as allied forces attack the Iraqi defensive line. The helicopter, which typically operates in battle with another Apache and a single OH-58 Kiowa scout chopper, is armed with 16 Hellfire missiles and a 30mm cannon.

According to reports from Saudi Arabia, Army aviation units deploying close to the Kuwaiti border last week intensified training exercises, often conducting massive attacks involving as many as 20 Apache aircraft on mock Iraqi T-72 battle tanks.

"This is great Apache country," said Lt. Craig Cairns, a platoon leader in the 1st Infantry Division's Apache battalion. "There is no place for anyone to hide. . . . It'll prove itself out there."

The Apache and its operations in the Middle East have been plagued by questions over its reliability. Key components in the Apache, including the main rotor blades and the cannon, have been known to break down frequently, according to a General Accounting Office report released last September.

But soldiers in the desert say the Apache has adapted well to the desert environment. Although the lack of features in the terrain makes navigation difficult, Apache pilots say the desert which becomes pitch black at night, is an ideal battlefield for the helicopter.

Lt. Col. Bill Hatch, commander of the Apache battalion in the 1st Armored Division, said the featureless desert is "the toughest environment I've ever seen for flying."

GETTING THE MASSACHUSETTS ECONOMY MOVING AGAIN

Mr. KERRY. Madam President, I would like to take this time to share briefly with my colleagues the economic problems now facing the State of Massachusetts and discuss the efforts which are now underway to deal with the region's troubles.

Over the last 2 years, the New England economy has seriously deteriorated, with the region as a whole losing over 250,000 jobs. That kind of jump in unemployment, within such a short period of time, has been a tough blow to the State's collective self-confidence. It has deepened the personal fears of workers and diminished public confidence in the chance of a quick recovery.

Gov. William Weld and I recently held a daylong economic conference in Boston last week to gather our State's banking, public, business, and academic leaders in an effort to assess the State's economic problems and future. What clearly emerged from the conference, in the following days, was a new spirit of cooperation and determination among Democrats and Republicans, public employees and private sector workers, and labor and management to put aside differences and work

together in solving our region's economic difficulties. I am confident about the course on which we have embarked to get the Massachusetts economy moving again.

Despite the tough times we face today, Massachusetts still retains extraordinary economic assets: the finest network of colleges and universities, a strong infrastructure, and an educated work force. I am confident that these traditional strengths along with this new alliance will serve the State well as we work to provide a more secure economic future for our citizens.

Madam President, I ask unanimous consent that an editorial I wrote for the Boston Herald prior to the economic conference be printed in the RECORD.

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

[From the Boston Herald, Jan. 28, 1991]

STATE MUST MAP RECESSION STRATEGY

(By John Kerry)

The Massachusetts economy is in a free-fall. Workers are being laid off at an alarming rate and asset values are tumbling. Unemployment, once the lowest in the nation at 2.4 percent is now 7.4 percent—the very highest in the nation and well above the national average of 6.1 percent. Real estate is plummeting—commercial real estate is down as much as 50 percent in Boston. Some of the large regional banks are under increasing stress, highlighted by the recent failure of the Bank of New England.

The deterioration of the state economy is a wrenching experience for workers and their families who only a few years ago believed their future to be secure.

We have been here before. In 1975 our state faced even higher unemployment. But we were able to grow out of that recession because of the high tech industry. Today, the computer industry cannot be counted on to lift us out of the current economic doldrums. Making matters worse, the banking sector is downsizing and few new loans are being initiated. This credit crunch weighs particularly heavily on small businesses which don't have access to the capital markets.

Despite the severity of the current recession, the economic base of our state is very strong. We should focus on this reality. Massachusetts has a remarkable concentration of educational research institutions, a history of unparalleled entrepreneurial activity, a diverse base of skills and industries and the highest quality workforce in the U.S.

Eventually our state will grow out of this recession, but the recovery may be unnecessarily long and painful. Neither federal government nor state government alone can create a sustained, robust economy for Massachusetts—that will depend as it always has on private sector innovation and initiative—but government, working together with business, labor and education, can do much to contribute to a speedier recovery.

Of critical importance: we must end the credit crunch and break the free-fall psychology. The Federal Reserve needs to work with the money center commercial banks to influence a dramatic reduction from the current prime rate of 9.5 percent to 8.5 percent. Doing so will immediately bring down the carrying costs for real estate and other loans, as well as providing a stimulus to the overall economy. However, banks will only begin to make new loans when the regulators tell them how in the current economic climate they can lend money and raise capital at the same time—the proper balance has yet to be struck.

The federal government can and must do other things. The administration must continue to release monies for important public infrastructure projects such as the Central Artery project and begin to fund priority environmental projects such as the clean-up of Boston Harbor.

The Congress can help by promoting exports through trade legislation. For example, last year I introduced in the Senate an export licensing bill to open up the markets of Eastern Europe to the kind of highly sophisticated technology produced by Massachusetts. We have lost thousands of jobs and billions of dollars because we have made it so difficult for our companies to compete abroad.

Our state government can accelerate the recovery by putting its own fiscal house in order. Currently, a 12-percent budget deficit results from a shortfall between revenues and spending. We need to close that gap and then tackle the problem areas on which both Republicans and Democrats agree—those are public works, public education and public safety. These are all clear investments in our economic future.

Massachusetts has one of the oldest infrastructures in the country and it has been sorely neglected. We need to repair our bridges, our roads and our schools.

Higher education represents one of the state's greatest economic assets as a producer of human capital and new technology. Yet the current budget deficit has forced our state to cut 20 percent in spending for state colleges and universities. Nothing could be more shortsighted and even dangerous. The result is to negatively impact vital research and development so needed to create new technologies and new businesses.

Finally, both federal and state government have a responsibility to the workers who are the victims of this recession. At a minimum, those laid off need to have job search and retraining assistance, and extended federal unemployment benefits. We must always remember that our state's economy is no better than its work force.

Gov. William Weld and I have invited the state's business, education, labor and other leaders to a conference today to exchange ideas on the challenges and opportunities facing Massachusetts. I am confident that by forging new alliances we can build on the strengths of our state and secure a sound future for all our citizens.

The PRESIDING OFFICER. The Senator from Washington.

SERVICEMEN AND WOMEN IN THE PERSIAN GULF

Mr. GORTON. Madam President, the lives of all Americans have been changed by the events of the last 3 weeks. Our attention has been riveted to news of the war in the gulf. Our thoughts turn constantly to the brave and dedicated men and women in uniform who are serving the cause of justice, freedom, and peace in that conflict. All deserve our praise, our support, and our prayers.

A few of these men and women, however, have already given their lives for us and for our cause. Two of them are from the State of Washington. Their loss is a cause of deep sorrow to all of us, mitigated only by the thought that they gave their lives to a great and noble cause.

Marine Lance Cpl. Michael E. Lindeman, Jr., and Air Force 1st Lt. Eric Hedeen were killed while serving in the Persian Gulf.

These young heroes deserve to be recognized because they have paid the ultimate price to uphold the ideals upon which this country is based.

In an article in the February 6 edition of the Seattle Post-Intelligencer, Eric Hedeen's father expressed a sentiment all Americans should take to heart, a sentiment that is foremost in the minds and hearts of the Hedeen family since their lives have been so deeply touched by the price of freedom. Hedeen wrote, "Freedom doesn't come cheap; you have to pay for it. My son paid for it, his parents paid for it, his wife paid for it."

The precious lives of the servicemen and women whose lives have been lost serving in the gulf must be remembered as the cost of a better world. As Hedeen's father continued:

> Because there's this naked aggression in the gulf area, with (Saddam) attempting to destroy civilization as we know it, you can't just sit there and do nothing. You do something, Eric believed in duty, honor, and country.

Corporal Lindeman and Lieutenant Hedeen were willing to contest Saddam Hussein's threat to the world. Their commitment to our Nation was distinguished by their willingness to sacrifice their own lives for us.

Their families and friends have sacrificed as well. As Lieutenant Hedeen's father continued:

> There are a lot of people in America like us, with children over there, who are scared for their safety. We want people to understand they need your help. You've got to let (the troops) know you're with them. If you're sitting at home protesting, you're not doing them a hell of a lot of good.

Hedeen's wife, Susan, could have been speaking for all servicemen when she said:

> Eric is one of the most patriotic people I know. He is wearing red, white, and blue angels in heaven right now. He always said if he had to go he wanted to be fighting for his country. I would have had it no other way, except maybe 50 or 60 years from now.

We honor and deeply appreciate those who have given their lives and those who continue to put their lives on the line so that we at home may enjoy a nation dedicated to justice, freedom, and peace.

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will now call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SUBCOMMITTEE ON ANTITRUST AND MONOPOLIES

Mr. DOLE. Madam President, I want to alert my colleagues, the news media, and especially the people of Arizona, to a very disturbing development in the Senate Judiciary Subcommittee on Antitrust and Monopolies.

It appears that this Democrat-controlled subcommittee is now trying to tilt the runoff race for Governor in Arizona with an unprecedented abuse of Senate power and privilege.

Today we see the Republican candidate, Fife Symington, the target of a smear campaign, a campaign regrettably launched by the Democrat chairman of this subcommittee. It is a premeditated attempt at character assassination, complete with press release, public hearings—and I might add, without any notice to Mr. Symington—a sneak attack and a published laundry list of innuendos about his conduct as a savings and loan board member.

The timing speaks for itself. Mr. Symington earned the most votes of all candidates in round 1 this past November. The election is now less than 3 weeks away, and the polls are now neck and neck.

I smell politics, and it stinks.

I thought the Senator from Ohio [Mr. METZENBAUM] and the Senate Judiciary Committee were supposed to be the guardians of due process. Instead, what we see today is a blindsiding without fair notice or fair play.

I have checked the rules, Madam President, and I can tell my colleagues, and especially the people of Arizona, that the Judiciary Committee has very questionable jurisdiction over these kinds of proceedings. Even so, the question is this: Why is the committee now insisting on this inquisition? It is pretty clear. It is politics of the worst kind. It is no wonder the American people are fed up with Washington and the Congress and many of the people in it.

Madam President, I thought 1991 would be the year of ethics and good government. Unfortunately, it looks like some people want to take us into the gutter. The people of Arizona deserve much better. I know the people of Arizona. I went to school there for about a year some time ago, and they deserve much, much better. And so does Mr. Symington. This is a new low for the Senate. If we are going to start using committees and a majority around here to drag in candidates 2 weeks before the election, with character assassination and sneak attacks, with no notice, then I think we better take a look at the U.S. Senate and those who would abuse the power of the Senate and abuse the power and rules of the Senate—particularly the Judiciary Committee—of fair play, justice, and notice. This was a surprise attack, a stealth attack, a sneak attack. What have we gotten around to in this body? What motivates some people to try to cut somebody else to pieces on a day-to-day basis? It turns out that these are innuendoes that have been out in the public and have been denied by Mr. Symington. That was not enough for the Senator from Ohio. He thought maybe he could turn the tide here in the last 2 weeks and maybe change the election in favor of the Democratic candidate, Mr. Goddard, who is a very close friend and confidante of the Senator from Arizona, Senator DECONCINI, who is also a member of the committee.

When somebody told me what happened this morning, I did not believe it. I said certainly he would have given notice, and certainly, he would not accept some subcommittee report without even notifying the Republicans on the committee. Oh, yes, no notice. The distinguished Senator from Pennsylvania [Mr. SPECTER] objected to much of the proceedings, without prevailing, of course. So I hope when the dust settles, maybe we can have a rational debate with the Senator from Ohio [Mr. METZENBAUM] on the floor.

I ask unanimous consent to have printed in the RECORD at this point a copy of Mr. Symington's statement and a copy of his letter sent to the Attorney General asking the Justice Department to investigate the committee and his statements therein.

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

SYMINGTON 1990 COMMITTEE,
Phoenix, AZ, February 7, 1991.

Hon. RICHARD L. THORNBURGH,
Attorney General of the United States,
Department of Justice, Washington, DC.

DEAR MR. ATTORNEY GENERAL: I urgently request that the U.S. Justice Department investigate the conduct of the Senate Judiciary Committee's Subcommittee of Antitrust, Monopolies and Business Rights in connection with a statement released today by U.S. Senator Howard Metzenbaum, the chairman of the subcommittee, regarding an investigation of Southwest Savings and Loan. Senator Metzenbaum's statement is attached.

For your information, I am involved in a gubernatorial runoff election in Arizona, scheduled to take place on February 26th, less than three weeks from today. Accordingly, I find the timing of this statement very peculiar. That I was not informed by Senator Metzenbaum, or Senator Dennis DeConcini, a member of the subcommittee from my state, or committee staff that I am apparently the subject of a congressional investigation, prior release of the statement to the press leads me to conclude that the intent was to create sensational news media coverage that would damage my candidacy for Governor.

I would also appreciate your looking into any possible connection between Senator Metzenbaum's statement and Mr. Terry Goddard, my Democratic opponent, who is a close confidante of Senator DeConcini and is rumored to have visited Washington this week.

As a citizen, I simply cannot believe that it is proper for a committee of Congress to inject itself in an election in such a blatantly partisan manner. This is a good illustration of why it is that many good men and women choose not to enter public service.

I look forward to your reply and will, of course, provide your department with any information you require.

Sincerely,

FIFE SYMINGTON.

STATEMENT OF FIFE SYMINGTON

The report released today by the Metzenbaum-DeConcini subcommittee is an insult to the people of Arizona. This blatantly partisan attempt to interfere with the Arizona gubernatorial runoff, less than three weeks from the election, represents politics at its very worst. That it is occurring at taxpayers' expense compounds the outrage. We have seen here today the reason why many good men and women choose not to enter public service. That Senator Metzenbaum and Senator DeConcini would not even afford me the minimum courtesy of informing me of their allegations prior to releasing them to the news media only serves to compound the outrage. Obviously, their intent is not to arrive at truth or to be fair; it is to sensationalize accusations that have no basis in fact for the purpose of influencing the outcome of the Arizona race for Governor.

My conduct as a Board Member of Southwest Savings and Loan is a matter of public record; the allegations he raised have been raised before and rehashed in public. Never has any wrongdoing on my part been proven.

I am today requesting the U.S. Department of Justice to investigate the conduct of Senator Metzenbaum and Senator DeConcini in this regard, and to ascertain the extent of involvement of Terry Goddard, who has embarked on a low-road campaign to defame my reputation and business.

The people of Arizona have shown on several occasions that they deeply resent intrusion into their political decision-making by outside forces. The recent defeat of the Martin Luther King holiday initiative following published threats by the National Football League is a good example. Now we have another mischievous attempt from the outside to influence Arizona politics. I am confident that the people of Arizona will see this for what it is—a cheap political ploy—and will reject it convincingly with their vote on February 26th.

The voters of Arizona have a choice: they can either believe Senator Howard Metzenbaum, the most liberal member of the U.S. Senate, and his second ranking Democrat member, Senator Dennis DeConcini, or, they can believe me when I tell them that I did nothing wrong with regard to Southwest Savings and Loan.

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

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

BENEFITS FOR SOLDIERS AND THEIR FAMILIES

Mr. DOLE. Madam President, I want to respond very briefly to my colleagues who have spoken to providing benefits to our soldiers in the gulf, and to their families here at home.

First, we need to remember that our overriding priority is to win the war, and to bring our brave men and women home as quickly and as safely as possible.

When it comes to that priority, Madam President, none of us in this body are Democrats, and none of us are Republicans. Rather, we act as Americans. There is, after all, no room for partisanship on the battlefield.

And while we are united on this priority, we also must be united in two others. First, in our efforts to support the husbands, wives, and children of our soldiers. And second, in planning for the day when our mission in the gulf is complete, and our soldiers return home.

I know that the Veterans' Committee, The Armed Services Committee, and the Department of Defense, are already working in a bipartisan manner on these two priorities.

I look forward to the time when Senator GLENN and Senator MCCAIN can join their efforts and fashion a comprehensive package worthy of the support of every Member of the Senate.

I also know that they took to heart, as I did, the words of the distinguished chairman of the Appropriations Committee, who I thank for reminding us that we are under a budget summit agreement.

As we all know, any expenditures for new programs must be matched with cuts somewhere else in the budget.

We must be careful, Mr. President, not to confuse pork barrel politics with support of our troops.

For example, one bill introduced in the House authorizes special pay for reservists in the gulf to make up the difference between civilian and military pay.

While recognizing the financial hardship of those called to active duty, what does this say about the level of compensation and value this places on our active duty volunteers?

We do need to act quickly, Madam President, but not foolishly. Let us take the time necessary to ensure that the laws we pass today will not have long-term detrimental consequences for our soldiers and retired veterans of tomorrow.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION FOR REPRESENTATION BY SENATE LEGAL COUNSEL OF FORMER SENATE EMPLOYEE

Mr. MITCHELL. Madam President, on behalf of myself and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on representation of a former Senate employee by the Senate Legal Counsel, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 54) to direct the Senate Legal Counsel to represent Jack Blum in the case of *United States* v. *Ronald Whitaker*, et al.

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. Madam President, one of the defendants in a criminal prosecution in the U.S. District Court for the Southern District of Florida, Sheldon Yavitz, has caused to be issued a subpena to Jack Blum, a former Senate employee, for testimony at a trial that is scheduled to begin shortly. Mr. Yavitz, an attorney, is charged with aiding his codefendants with evading Federal income taxes that the codefendants owed on profits from the importation and sale of marijuana.

Between 1987 and 1989, Mr. Blum was employed as a special counsel to the Committee on Foreign Relations. In that capacity he performed legal and investigative work for the Subcommittee on Terrorism, Narcotics and International Operations, in relation both to public and closed proceedings that culminated in a subcommittee report entitled, "Drugs, Law Enforcement and Foreign Policy," Senate Print No. 165, 100th Congress, 2d session (1988). Mr. Yavitz represented several witnesses at the subcommittee's hearings. His counsel is seeking Mr. Blum's testimony in an effort to show that Mr. Yavitz played a role in helping the Government investigate illegal smuggling of drugs from South and Central America.

This resolution will authorize the Senate Legal Counsel to represent Mr. Blum and to assert the applicable privileges of the Senate in opposition to this subpena.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 54) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 54

Whereas, in the case of United States v. Ronald Whitaker, et al., No. 90-14010-CR-JAG, pending in the United States District Court for the Southern District of Florida, one of the defendants, Sheldon Yavitz, has obtained a subpoena for the testimony of Jack Blum, a former employee of the Senate, in connection with his work as special counsel to the Committee on Foreign Relations;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent present and former employees of the Senate with respect to subpoenas issued to them in their official capacities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Jack Blum in the case of United States v. Ronald Whitaker, et al.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CONGRATULATING THE USO ON ITS 50TH ANNIVERSARY

Mr. MITCHELL. Madam President, on behalf of myself, Mr. DOLE, Mr. THURMOND, Mr. RIEGLE, Mr. PACKWOOD, and Mr. SASSER, I send to the desk a resolution congratulating the USO on the occasion of its 50th anniversary, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 55) congratulating the USO on the occasion of its 50th anniversary.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Madam President, this week the USO celebrates its 50th anniversary. The USO, formed at the direction of President Franklin D. Roosevelt in 1941, has provided invaluable services and support to our military personnel and their families over the past 50 years. The USO has been there during all of our Nation's conflicts—and during peacetime as well.

Now, during the extraordinary effort required by Operations Desert Shield and Desert Storm, the USO is once again serving the needs of our service men and women and their families. It is therefore fitting that the Senate acknowledge the 50th anniversary of the USO this week. I am pleased to join with Senator DOLE in offering this resolution extending the Senate's congratulations to the USO and acknowledging our gratitude for the valuable services which the USO performs.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, when American troops were sent to the Persian Gulf last August, it did not take long before the USO was at their side.

Within months, USO centers were opened in Saudi Arabia to provide relaxation for troops on leave.

Celebrities were signed up to travel to the gulf and lift the morale of the troops.

Hundreds of thousands of packages containing food and personal supplies were being distributed and a project allowing soldiers to communicate to their families by video messages was up and running.

The USO's presence in the gulf is part of a historic tradition of service to America's soldiers and their families. In fact, this week marks the 50th anniversary of the USO.

For five decades, through four wars, and in countless locations, wherever you have found American soldiers, you have also found the USO.

Most Americans know the USO through their sponsorship of tours by Hollywood stars such as the great Bob Hope. But the USO is a great deal more than celebrity tours.

Thousands of volunteers in 160 USO centers across the globe are devoted to a mission of assisting service personnel and their families.

All of us who served in World War II will be forever grateful to the USO. And perhaps our feelings were best summed up by the words of an American infantryman who said, "The USO was the soldier's best friend."

Madam President, it is fitting, indeed, that the Senate extend our congratulations to the USO for 50 years of service in the greatest cause of all—the cause of freedom.

Mr. BOREN. Madam President, during the last several weeks, this body has focused its efforts on supporting and sustaining our troops involved in Operation Desert Storm. But today, I would like to recognize an organization that has been supporting and sustaining service men and women for 50 years.

The United Services Organization [USO] was established 50 years ago this month and has provided a helping hand, a smile, a home away from home for troops during every major American conflict since World War II. The USO is the only independent, congressionally chartered organization delivering human services to the Armed Forces and their families. Contrary to popular belief, the USO receives no Government funding; the organization is sustained exclusively through the generosity of individual Americans, of corporations, and funds like the United Way.

With our young service men and women now in the Middle East standing behind this Nation, it is more critical than ever that we stand behind them and the organizations that serve them. It is easy to forget the fear and loneliness and uncertainty of war when the country is not in armed conflict. Now, it is impossible to forget. The USO has never forgotten. Thanks to that great institution, we are assured that our troops are provided some of the comfort and security they left behind here at home. I am proud to join in paying tribute to the USO on its 50th anniversary.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 55) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 55

Whereas the USO is celebrating its fiftieth anniversary;

Whereas the USO is the only independent, congressionally chartered organization devoted solely to providing human services to our Armed Forces personnel;

Whereas the USO of Metropolitan Washington and chapters throughout the United States and the world provide family support services, emergency housing programs, airport services, and numerous other programs to assist members of the Armed Forces;

Whereas the USO is providing special support to service men and women and their families during Operation Desert Storm: Now, therefore be it

Resolved by the Senate, That—

The Senate hereby extends congratulations to the USO on the occasion of its fiftieth anniversary and commends the work of the USO in support of the military personnel and their families serving in the United States and around the world.

The Secretary of the Senate shall transmit a copy of this Resolution to the USO.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 19, 1991

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 2:30 p.m. on Tuesday, February 19; that following the prayer, the Journal of the proceedings be approved to date; and that following the time for the two leaders, there be a period for morning business not to extend beyond 3 p.m. with Senators permitted to speak therein for up to 5 minutes each.

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

RECESS UNTIL TUESDAY, FEBRUARY 19, 1991, AT 2:30 P.M.

Mr. MITCHELL. Madam President, if no Senator is seeking recognition, and if the Republican leader has no further business, I ask unanimous consent that the Senate stand in recess, under the provisions of House Concurrent Resolution 59, until 2:30 p.m. on Tuesday, February 19, 1991.

There being no objection, the Senate, at 5:09 p.m., recessed until Tuesday, February 19, 1991, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate February 7, 1991:

THE JUDICIARY

ROBIN J. CAUTHRON, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DEPARTMENT OF JUSTICE

RICHARD D. BENNETT, OF MARYLAND, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF 4 YEARS VICE BRECKINRIDGE L. WILLCOX, TERM EXPIRED.

MAURICE OWENS ELLSWORTH, OF IDAHO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS (REAPPOINTMENT).

HARRY A. ROSENBERG, OF LOUISIANA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS VICE JOHN P. VOLZ, TERM EXPIRED.

E. MONTGOMERY TUCKER, OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS VICE JOHN P. ALDERMAN, RESIGNED.

RONALD G. WOODS, OF TEXAS, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE HENRY K. ONCHEN, RESIGNED.

DEPARTMENT OF TRANSPORTATION

STANFORD E. PARRIS, OF VIRGINIA, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR A TERM OF 7 YEARS, VICE JAMES L. EMERY, TERM EXPIRED.

FEDERAL HOUSING FINANCE BOARD

THE FOLLOWING-NAMED PERSONS TO BE DIRECTORS OF THE FEDERAL HOUSING FINANCE BOARD FOR THE TERMS INDICATED, TO WHICH POSITIONS THEY WERE APPOINTED DURING THE LAST RECESS OF THE SENATE:

WILLIAM C. PERKINS, OF WISCONSIN, FOR A TERM OF 1 YEAR.

LAWRENCE U. COSTIGILO, OF NEW YORK, FOR A TERM OF 3 YEARS.

MARILYN R. SEYMANN, OF ARIZONA, FOR A TERM OF 5 YEARS.

DANIEL F. EVANS, JR., OF INDIANA, FOR A TERM OF 7 YEARS.

LEGAL SERVICES CORPORATION

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE TERMS INDICATED, TO WHICH POSITIONS THEY WERE APPOINTED DURING THE LAST RECESS OF THE SENATE:

FOR TERMS EXPIRING JULY 13, 1992:

J. BLAKELEY HALL, OF TEXAS.

WILLIAM LEE KIRK, JR., OF FLORIDA.

JO BETTS LOVE, OF MISSISSIPPI.

GUY V. MOLINARI, OF NEW YORK.

JEANINE E. WOLBECK, OF MINNESOTA.

FOR TERMS EXPIRING JULY 13, 1993:

HOWARD H. DANA, JR., OF MAINE.

LUIS GUINOT, JR., OF PUERTO RICO.

PENNY L. PULLEN, OF ILLINOIS.

THOMAS D. RATH, OF NEW HAMPSHIRE.

BASILE J. UDDO, OF LOUISIANA.

GEORGE W. WITTGRAF, OF IOWA.

CONFIRMATION

Executive nomination confirmed by the Senate February 7, 1991:

DEPARTMENT OF LABOR

LYNN MARTIN, OF ILLINOIS, TO BE SECRETARY OF LABOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.