

SENATE—Tuesday, February 19, 1991

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson. Dr. Halverson.

PRAYER

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

Let us pray:

*Blessed is the nation whose God is the Lord * * *.*—Psalm 33:12.

Eternal God, at this critical time we remember with profound gratitude the faith of former Presidents in times of crisis.

Engraved in our minds is the picture of George Washington kneeling in prayer at Valley Forge. We hear Abraham Lincoln saying: " * * Intoxicated with unbroken success we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. * * * It behooves us, then, to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness." We recall the last published words of Woodrow Wilson: "The sum of the whole matter is this, that our civilization cannot survive materially unless it be redeemed spiritually. It can be saved only by becoming permeated with the spirit of Christ. * * * " And the statement of Franklin Delano Roosevelt: "No greater thing could come to our land today than a revival of the spirit of religion. * * * that would stir the hearts of men and women of all faiths to a reassertion of their belief in God and their dedication to His will for themselves and for their world. * * * "

Patient God, forgive our indifference; awaken us to our dependence upon Thee. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for the transaction of morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Today, at 3 p.m., under a previous consent agreement, the Senate will proceed to the consideration of Calendar No. 8, S. 320, the Export Administration reauthorization bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time.

The PRESIDENT pro tempore. Without objection, the remainder of the majority leader's time is reserved.

RECOGNITION OF THE REPUBLICAN LEADER

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

Mr. DOLE. Mr. President, I reserve my leader time.

The PRESIDENT pro tempore. Without objection the time of the Republican leader is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each for a period not to extend beyond 3 p.m.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 421 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENTS TO THE OMNIBUS EXPORT AMENDMENTS ACT

Mr. SPECTER. Mr. President, I wish to put my colleagues on notice of my intention to add, as amendments to the legislation which will be called to the floor, provisions which will create a criminal penalty for individuals who aid in the proliferation, delivery, or dissemination of chemical or biological weapons which are such a potent problem in the world today.

This amendment, Mr. President, would expand the definition of terrorism to state specifically that the production of biological and chemical weapons per se constitutes an act of terrorism regardless of whether there is an active state of war.

The legislation, as currently framed, contains government-to-government

sanctions and limited procurement and import sanctions for foreign individuals. It is my submission that such sanctions alone will not work because of the political difficulties of pursuing those sanctions. But the amendment which I propose would impose criminal liability on any individual who is involved in the production or dissemination of biological and chemical weapons where that acts to maim or murder or injure an American citizen anywhere in the world.

This amendment is buttressed on extraterritorial jurisdiction which the U.S. Government has imposed in 1984 legislation, making it a violation of U.S. law for anyone anywhere in the world to hijack or to kidnap American citizens wherever it may occur. Customarily, criminal jurisdiction attaches in the place where the event occurs, but it is consistent under international law and U.S. law to make it a violation of our laws anywhere in the world to assault, maim, or murder a U.S. citizen as embodied in the 1986 Terrorist Act or in the 1984 legislation, making it a violation of U.S. law to kidnap or have hostage-taking.

The amendment which I have referred to, Mr. President, will deal similarly with those who engage in the proliferation of chemical or bacteriological warfare.

Mr. President, I wish to put my colleagues on notice, in addition, that I intend to offer the Terrorist Prosecution Act with the death penalty to the pending legislation. I had stated an intention to do this on an earlier bill and was asked to desist from doing so on the cost-of-living amendment which was before the Senate when we were in session during the month of January. But I do intend to offer that amendment when this legislation is taken up later today.

I thank the Chair and I yield the floor.

Mr. DOLE addressed the Chair.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDENT pro tempore. The Republican leader is recognized. Does he wish to use his recognition or does he wish to be recognized under morning business.

Mr. DOLE. I wish to claim a portion of my leader time.

The PRESIDENT pro tempore. The Senator is recognized.

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

SILVIO CONTE

Mr. DOLE. Mr. President, today, we return to a Capitol Hill which is much different than the one we left nearly 2 weeks ago.

For today, we return to a Capitol Hill without SILVIO CONTE.

It was my privilege to serve with "SIL" during 8 of the 32 years he served in the House of Representatives.

Throughout those 32 years, SIL provided the House and this city with compassion, common sense, and good humor.

SIL and I did not agree on every issue, but he gave as good as he got, and I never doubted his commitment to do what was right for his beloved Massachusetts, and for America.

I know all the Members of this body join with me in sending our condolences to SIL's wife, Corinne, and to their children.

GULF UPDATE

Mr. DOLE. Mr. President, very briefly on another matter—and I thank the distinguished Senator from Montana for permitting me to precede him—I know that many Members of this body returned to their home States this past week to meet with their constituents, to hear what the people were saying.

I am confident they heard the same thing Kansans have been telling me: that they stand wholeheartedly behind President Bush, and wholeheartedly behind our soldiers in the gulf.

Americans have proven that they fully understand both the importance of our mission, and the cynical machinations of Saddam Hussein.

Throughout his rule, Saddam has shown a willingness, even a preference, to sacrifice his own people for what he perceived to be good public relations.

And last week, innocent men, women, and children were forced to pay the ultimate price for Saddam's strategy of moving military equipment into civilian areas.

Immediately, Saddam called in the cameras, hoping that he could win the war in the media, since he is losing it on the battlefield.

Once again, Saddam misjudged the American people. While we all felt sorrow over the loss of civilian life, America knew there was no cause for guilt.

America knew that it is Saddam himself, who is responsible for the gulf war, and the tragedies that go with it.

America knew that one truth has remained the same ever since Saddam invaded Kuwait on August 2. That is the fact that Saddam can end the war right now. He can prevent additional death and destruction in Baghdad.

America knows that if he does not, then our mission must and will be completed.

America also knows that the mission will not be completed without losses of American lives.

Early Sunday, Operation Desert Storm claimed its first Kansan, when Cpl. Jeff Middleton of Sumner County was killed by "friendly fire."

Jeff Middleton was the type of young man who makes America proud. He had just reenlisted in the military, and told his family that he "wanted to go to the gulf to defend freedom."

Jeff Middleton died defending freedom. Others have done the same in the gulf, and unfortunately, others will follow.

Americans know that the best way—the only way—we can honor heroes such as Jeff Middleton is to ensure that the work of defending freedom continues and that Saddam Hussein is defeated.

Mr. President, I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BAUCUS] is recognized for not to exceed 5 minutes.

THE UNITED STATES-JAPAN SEMICONDUCTOR AGREEMENT

Mr. BAUCUS. Mr. President, with all eyes focused on the Persian Gulf, it is natural to think of national security in strictly military terms.

The greatness of our Nation is demonstrated by the number of troops and arsenal that we have assigned to the Persian Gulf. But this is merely an aberration. As Dr. Paul Kennedy has argued persuasively, we can no longer measure the strength of the United States only in military terms.

The power and influence of the United States in the next century will be determined by its economic strength, not only its military strength. Our influence will stem not only from the number of bombs we can drop, but from the number of products we can export.

Most indicators now signal a decline in U.S. economic competitiveness in international markets. In sector after sector, the United States has ceded the leadership role to Japan and Germany.

WORLD SEMICONDUCTOR MARKETS

The experience of the U.S. semiconductor industry provides an excellent case in point. Semiconductors are the computer chips that play an integral role in all modern electronic products. They are found in everything from VCR's to Patriot missiles. Semiconductors are to the computer age what steel was to the industrial age.

Only a few short years ago, the United States was the unquestioned leader in the design and manufacture of semiconductors. But things have changed. Consider a few statistics:

From 1980 to 1989, the U.S. share of the world semiconductor market fell from 57 to 35 percent. Simultaneously, the Japanese share rose from 27 to 52 percent. The United States share of the world market continues to shrink at a rate of 2 percent per year.

In 1980, all five of the world's top semiconductor equipment manufactur-

ers were United States companies. Now, four of the five are Japanese companies.

Since 1984, the United States has invested \$12 billion less in semiconductor R&D and new chip plants and equipment than Japan. That gap is expected to grow to \$15 billion by 1994.

Unfortunately, the decline of the semiconductor industry has implications far beyond chip plants in the Silicon Valley. As the U.S. capacity to manufacture computer chips has declined, so has its capacity to manufacture a range of computer and electronics products. As the GAO pointed out last year, the U.S. consumer electronics industry is now largely reduced to screwdriver plants that snap together foreign components. Even in the computer industry, which the United States has dominated since its inception, we find the United States lead slipping away to the same Japanese companies that now dominate semiconductor production.

SEMICONDUCTOR TRADE PRACTICES

How did the United States lose its lead in semiconductor production to Japan? Part of the answer is that Japanese companies have worked hard and innovatively and invested in R&D. But that is only part of the answer. A big part of the problem has been predatory Japanese trade practices that drove United States semiconductor companies out of business.

For example, the Japanese semiconductor market remains largely closed to imports. Many of the quotas and formal barriers that kept the United States out of the Japanese market in the 1970's are gone, but informal barriers remain. For this reason, the United States share of the Japanese market lags far behind the United States share of other competitive world markets. For example, the United States share of the European chip market is 42 percent, but the United States share in Japan is only about 12 percent.

This is very significant since Japan is now the world's largest market for semiconductors. In 1989, Japan was a \$23 billion market for computer chips compared with a United States market of \$17.9 billion.

Since semiconductor manufacturing benefits greatly from economies of scale, limited access to the Japanese market poses serious competitive problems.

A 1985 United States Government study attempted to quantify the competitive impact of the closed Japanese market. It concluded that a 5-percent gain by United States chipmakers in the Japanese market would lower United States chipmaker costs 4 percent and increase their share of the United States market by 2.5 percent.

A closed home market also allows Japanese companies to build profits at home to support predatory sales—known as dumping—abroad to drive

their United States competition out of business.

In the mid-1980's, United States firms were hit hard by Japanese dumping. The Commerce Department found numerous cases of dumping by Japanese firms, but the Commerce Department simply could not work fast enough to keep up with the problem. As a result in 1985 and 1986, six of the eight United States companies that produce a high-tech type of chip known as a DRAM were driven out of business. For another type of chip known as the EPROM, the Commerce Department was forced to impose tariffs as high as 180 percent to level the playing field.

As if to underline their intentions one Japanese company, Hitachi, sent the following memo to its distributors in February 1985:

Find AMD and Intel sockets. *** Quote 10 percent below their price. *** If they requote, go 10 percent again. *** Don't quit till you win! 25 percent distributor profit margin guaranteed.

THE 1986 SEMICONDUCTOR AGREEMENT

In 1986, the United States Government attempted to stop these Japanese unfair trade practices by concluding the United States-Japan Semiconductor Trade Agreement. This agreement had three main provisions:

An agreement to progressively eliminate Japanese barriers to chip exports culminating in a 20-percent foreign share of the Japanese chip market by 1991; a ban on dumping by Japanese chipmakers in the United States market; and a ban on dumping in third country markets.

The agreement was to run until July 1991.

This agreement made progress on all three areas, but there were serious problems.

In April 1986, the United States was forced to impose punitive tariffs on \$300 million of imports from Japan in retaliation for Japanese violations of the semiconductor agreement. The violations were continued dumping in third markets and failure to open the market sufficiently to meet the market share targets.

Eventually, Japan stopped dumping chips and \$135 million of the retaliation was lifted.

The market access provision of the 1986 agreement still has not been honored, however. Currently, the foreign market share of the Japanese market—the overwhelming majority of which is held by the United States—is 13 percent. This is far below the level that would be required to reach 20 percent by July of this year.

There has been improvement in the U.S. market share. The United States share of the Japanese market has increased by about 4 percentage points since the agreement was signed. But the Japanese failure to allow a 20-percent share will still cost the United

States \$1.16 billion in lost exports over the course of the agreement.

On another front, some U.S. computer makers—a leading consumer of U.S. semiconductors—found that the antidumping provisions as administered put them at a competitive disadvantage.

A NEW UNITED STATES-JAPANESE SEMICONDUCTOR AGREEMENT

All in all, the 1986 United States-Japan Semiconductor Agreement can be scored as a qualified success. Dumping has stopped and some market access improvements have been made. But much remains to be done, particularly with regard to market access.

In a strong show of cooperation, the main U.S. semiconductor users, led by the Computer Systems Policy Project [CSPP]—and the U.S. semiconductor industry, led by the Semiconductor Industry Association [SIA]—have joined hands to develop an outline for a new semiconductor agreement.

CSPP and SIA recommend that the new agreement would run for 5 years past 1991.

They recommend that the agreement continue to use quantifiable indicators of progress, like the market share target, to judge the openness of the Japanese market. They also recommend giving Japan an additional year to meet the current 20-percent target and make it clear that 20 percent should be a floor and not a ceiling on foreign market share.

CSPP and SIA have also agreed on a new set of procedures for preventing dumping that will prevent dumping and not impose undue hardship on U.S. chip users.

CONCLUSION

I find the CSPP-SIA recommendations a refreshing demonstration of the kind of cooperation U.S. industries must display to remain competitive. I understand that the administration has responded positively to these recommendations and has already explored with Japan the possibility of a new agreement. A Japanese delegation visited Washington last week to discuss a new agreement.

The United States Government must join hands with CSPP and SIA to aggressively negotiate a new chip pact with Japan. Only through strong government-private sector cooperation can we stop and reverse the competitive decline of the U.S. high technology sector.

We must put every bit as much energy and resources into negotiating trade agreements, like this one, as we do into negotiating arms control treaties. We must be every bit as vigilant in enforcing the terms of the agreement as we are in verifying arms control treaties. And if, God forbid, we find our negotiating partners not living up to their commitments we must assert our rights vigorously and immediately.

In the long term, agreements, like the United States-Japan Semiconductor Agreement, are every bit as important to United States national security as the START Treaty.

It is long past time that we put our trading partners on notice that we will treat trade agreements as a critical element of U.S. national security.

I hope that we can quickly negotiate a new, stronger United States-Japan Semiconductor Trade Agreement.

SENATE JOINT RESOLUTION 53—GREENHOUSE GASES

Mr. BURDICK. Mr. President, I join the majority leader and many of my colleagues in concern about the potential threat to Earth's environment posed by greenhouse gases. Senate Resolution 53 conveys an unmistakable sense of urgency for the United States to act decisively to reduce greenhouse gases. I congratulate the majority leader on bringing the debate forward, and for his recent book, "World on Fire."

Many of those attending the current United Nations climate change negotiations in Chantilly, VA, say that sustainable development is necessary to address climate change and other global problems. This resolution is a good opportunity to open up the debate on sustainable development. As expressed by the Brundtland Commission, this is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Environmental Protection Agency Administrator William Reilly frequently uses this term. He pointed out in a July/August 1990 EPA Journal that the ideas behind sustainable development are not new. What is new, he says, is the Brundtland Commission's message that movement toward sustainable development can mean both a healthy economy and environment.

We owe our voters and their children an explanation of what we have in mind here today, in simple and direct terms. We are not ready to phase out coal-fired electric utility plants, gasoline-powered vehicles, beef cows, or anything else that emits greenhouse gases tomorrow. We must carefully determine a course of action that is reasonable for our economy and our environment.

If the American people are going to be led out of the jaws of global warming apocalypse through the "transitional unsustainable" and into the "sustainable" future, we must describe what changes must be made, who must make them, when they must occur, and why they are necessary. What does this vision mean to today's farmer, rancher, steelworker, railroad worker, coal, or oil worker, truck driver, doctor, nurse, teacher, engineer or scientist? What

does it mean to parents, homeowners, commuters, and consumers?

Here, in this resolution, we embark on a path where these questions must be answered. If technological research and development and technology transfer are important to this vision, we must determine how to pay for that investment. We must develop a consistent and uniform test for health and ecological safety. And we must determine what priority to place on our ecosystem.

In North Dakota and other Western States, there is evidence that preindustrial man stampeded buffalo herds over Badlands cliffs. Those buffalo jumps were senseless, and the United States must take care not to lead other nations over a cliff. Developing our vision of sustainable development will build our credibility, as well as our ability to deal with global climate change and other environmental issues facing our planet.

MINOT HONORS SCANDINAVIAN HERITAGE

Mr. BURDICK. Mr. President, the "Magic City" of Minot, ND, is proud to be the site of an Air Force base, but it would rather be known as a city dedicated to the preservation of the Scandinavian heritage. Each summer, Minot hosts a Norsk Hostfest that residents say is the largest ethnic festival of its kind anywhere.

Minot's Scandinavian Heritage Association is now working to build a unique visitors center and Scandinavian Heritage Park, ringed by the United States Stars and Stripes, the Canadian Maple Leaf, the Nordic flag with the five doves of peace, as well as the flags of Sweden, Denmark, Finland, and Iceland. Proposed park development includes several buildings and statues to represent all the Scandinavian countries as "a remembrance of the past and a legacy for the future."

I encourage anyone with a drop of Scandinavian blood or an interest in the history and culture of the Scandinavian countries to plan a trip to Minot's Scandinavian Heritage Park.

SILVIO CONTE—AN OUTSTANDING CONGRESSMAN AND AN OUTSTANDING HUMAN BEING

Mr. KENNEDY. Mr. President, with the death of Representative SILVIO O. CONTE on February 8, Congress has lost one of its all-time great Members.

To all of us who knew him, SIL was a leader of extraordinary talent and equally extraordinary spirit. He was one of the ablest, most effective, most respected, and above all most beloved Members of Congress of his time.

For 32 years, the citizens of the First District of Massachusetts were blessed with one of the finest legislators and statesmen in our history.

It was not just SIL's district where the CONTE name was honored.

No matter where you went in Massachusetts, from Boston to the Berkshires, people knew SIL CONTE and knew how deeply he touched their hearts and lives.

From the beginning, he demonstrated the independent judgment that was the hallmark of his career and his character.

In 1961, during his third year in the House of Representatives and President Kennedy's first year in the White House, SIL risked his own career when he voted against his party leadership to expand the House Rules Committee and break its stranglehold on progressive legislation.

SIL's vote was the sort of profile in courage that President Kennedy admired. In a sense, SIL CONTE made the new frontier possible, and my brother never forgot what SIL had done.

The high position he held on the House Appropriations Committee for many years had something to do with his achievements. For years, all he had to do was walk out on the floor of the House of Representatives, lift his eyebrow, and Massachusetts had a new project.

But most of all, he was loved for his commitment and compassion for the elderly, the sick, the poor, and all the others who need our help the most. Perhaps no Member of Congress wore his heart more clearly on his sleeve than SIL. And what a warm and beautiful heart it was, always reaching out to those in need.

He was proud of his Italian heritage. His days at Boston College on the GI bill planted the seeds of his lifelong commitment to fairness, justice, and opportunity for every citizen. And SIL paid America back a thousandfold and more for the opportunity his country had given him.

Day in and day out, year in and year out, for over three decades of brilliant public service in the House of Representatives, SIL CONTE was always there when his constituents and his country needed him, advancing America's real priorities, standing firm against unfair budget cuts and other proposals that would damage the goals we share.

One of the secrets of his success was that although he took the issues seriously, he never took himself too seriously. You could always count on SIL to make his point with a prop or a poem or in other ways that left us laughing, and that endeared him to us all the more.

In recent days, there have been many tributes to SIL CONTE. But the greatest tribute of all is the millions of Americans whose voices are rarely heard in the Halls of Congress, but who have a better life today because SIL CONTE spoke for them and worked for them.

So I say, Bravo, SIL—Bravissimo. The people of Massachusetts have lost a great Congressman, the Nation has lost a great champion of its best ideals, and the Kennedy family has lost a great friend.

Mr. President, I ask unanimous consent that a series of articles and other materials on Congressman CONTE may be printed in the RECORD.

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

REMARKS OF THOMAS P. O'NEILL, JR., FORMER SPEAKER OF THE HOUSE OF REPRESENTATIVES, ST. JOSEPH'S CHURCH, PITTSFIELD, MA, FEBRUARY 13, 1991

We are joined together today to honor the memory of a man who was one of my best friends and a true friend of Pittsfield, the first district, Massachusetts, and all of America.

My heart goes out to you Corinne, and to you Gayle, Michelle, John, and Sylvia and your children. Over the past 40 years I knew your husband, your father, and your grandfather, and I saw the tremendous love he had for you. Millie and I offer our sincerest feelings of support at this moment of sadness.

Of course, sadness is not what we think about when we think about Silvio Conte. I asked someone what they saw when they thought about him. The answer was: "Plaids and stripes * * * together!" Colorful fellow.

What I think about, when I think of Sil, is the love of life. Sil certainly did love life. He loved Congress, Boston College, and the Red Sox. He loved to play golf, play cards, fish, and hunt wild game. And he loved all these things with an emotion that surpassed the most ardent enthusiast. It may have been his Mediterranean heritage showing through but when he played anything, it was with gusto and exuberance.

This love of life of his had an extra dimension. He wanted everyone else to enjoy life too. To entouse you and then to enlarge the circle of others to enjoy life, too.

That is what I remember most about Sil. When he did things it was to include people, to make their lives better, to improve his Nation and his community, to provide people with the necessities of life and the fun of life.

When Congress played its annual baseball game, it was Sil who was the organizer and manager.

When Boston College needed help, it was Sil who took the lead, inside and outside the Appropriations Committee.

When we traveled, it was Sil who organized the skits and the parties at the end of the trip.

When his hunting larder grew great, it was Sil who gave a party for the Members of Congress, the staff, and his other friends.

When he worked on legislation on the Hill, it was to bring a better life to people here at home and those in the rest of the country.

His great work often escaped recognition because much of it was done behind closed doors. Some of it I would like to share with you.

There was the issue of low income energy assistance. A program for the Northeast at first, to help the poor face a crisis in rapidly rising fuel costs, it became a national program. Sil never let up increasing the program. Every year for the past 10, the budget request would go up, Sil would increase it, the Senate would lower it, and Sil would increase it again in the conference committee. The Appropriations Committee tells me this

program amount to \$3.5 billion over the past decade. Think of how many needy people were helped by that.

There was the issue of biomedical research. Sil got involved in something called "The Decade of the Brain" at the National Institutes of Health. He added \$15 million to the budget last year for research into neurological diseases.

There was the issue of aid to students who seek higher education but do not have the means to do so. The son of immigrant parents, Sil always remembered the opportunity given to him to advance. He wanted everyone else to have the same chance. Just last year, he added \$75 million to aid the poorest students attending college.

Many didn't know the role Sil played at the Smithsonian where he was a regent. When the Budget of that great institution was up, he was its protector. A skeptic about some of the projects, like everything else, he scrutinized it closely, but when he got the right answers he was supportive of projects that would enlarge the love of life for others. Once, when the head of the national zoo, which is run by the Smithsonian, was asking for \$150,000 for preserving the giant pandas from China, Sil asked him to justify the program. The zoo director replied, "You can Xerox a Michelangelo, but only God can make a Panda." He got Sil's support. By looking out for the Smithsonian, he brought love of life to the 28 million people who visit the great museum every year.

Little is known, too, of Sil's great work to help alleviate poverty in Africa. Some years ago, he and a couple of other Congressmen took a month-long tour of that continent. It left an indelible mark on him, and he spent much time and effort in defending and improving the World Bank and the United Nations Development Program.

Remembering the suffering and misery in those African countries, he knew that encouraging these institutions was a low-cost way to attack the root causes of poverty there. He was a strong supporter of UNICEF, too, in the crucial junctures in the appropriations process. In all these efforts, he was trying to extend his own love of life to others.

We in the other party, of course, admired Sil for his courageous stands for programs designed to help people. At last year's budget summit, he and his staff were repeatedly admonished to stop exempting the oil import fee from the list of taxes being considered. And he constantly did battle with those bean counters from the Office of Management and Budget—"the young slashers" he called them.

Sil loved and respected the process of legislation, too. He hated the so-called "continuing resolution," the catchall measure we pass when we can't pass the appropriations bill and time is running out. He called it "a substitute for thinking," but would go along with it as a last resort to make sure Government employees got paid.

Sil worked hard to fashion legislation so it could run the gauntlet and avoid a veto. Especially at the very end of the consideration of an appropriations bill, when mischief was brewing with some last minute effort to sabotage the bill, he would take personal control of what we call the "motion to recommit" to insure passage of the bill that had been worked on for many weeks.

So many other projects bear his imprint: The cleanup of the Connecticut River to make it safe for salmon to spawn; the Patriot Missile; the polymer research center at the University of Massachusetts; the re-

search funds for the Occupational Health and Safety Administration; and, of course, I could go on and on.

Many of you gathered here today worked with him on these projects I mention and shared satisfaction when they succeeded. I am sure you all agree that working with Sil left you a better person. His enthusiasm, desire, and sense of mission affected you that way.

Sil had many virtues: Love, compassion, integrity, friendship, emotion, and a wonderful and spirited sense of humor.

But the one I will remember him for was his fierce desire to give back. A lot of what he did gave him personal satisfaction. But Sil brought the phrase "helping others" to a new plateau, outside himself. He gave back in ways that cannot be counted. In enlarging that love of life to others, Sil set a standard for all of us.

Corinne—the suppers at your home—the bridge games—the friendship.

Corinne, John, Gayle, Michelle, Sylvia, that friendship will always remain.

The bells—parlance of the Congress, five bells, final adjournment.

Five bells have rung, Sil. Till we meet again, may God hold you in the bosom of his heart.

REMARKS OF ROBERT H. MICHEL, MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, ST. JOSEPH'S CHURCH, PITTSFIELD, MA, FEBRUARY 13, 1991

Corinne, Michelle, Sylvia, John, and Gayle, Mr. Speaker, my colleagues and friends of Silvio.

This is a time I had hoped would never come, for like so many of you, I'm sorely grieved to lose one of my very dearest friends.

We didn't know one another before he was first elected to Congress in 1958, but the ever-tightening bond of our friendship since then has been one of the nicest things that has ever come my way.

We had a great deal in common:

We were both sons of immigrant parents.

We grew up during the depression and learned early on what work was all about. We both served overseas during World War II.

We both married Corinnes over 40 years ago, and there are four great "kids" (as Sil would say) of both marriages.

Sil would be the first to always put emphasis on the family and the church as the really important influences in his life.

He was mighty proud of his Italian heritage and loved to use the French pronunciation of my name to make the point that even as first-generation Americans it was possible in this country to make it to the top in the political arena.

Yes, Sil was a politician, but in the finest sense of the world. He looked upon the office as an opportunity to serve his fellow man.

He was always out there championing the cause of the little fellow, the disabled, and the destitute.

But he also held that old fashioned view that if you were able bodied and sound of mind, you had an obligation to work for a living and be a contributor to society.

He worked long and hard to become a power in the Congress, but he never let it go to his head.

He had no fancy airs. He was not a pretentious man. He really didn't bother to spruce himself up all that much either.

He was something like a comfortable old shoe, but we all loved him, and the folks back home here in Pittsfield and western

Massachusetts obviously felt the same way by sending him back to Washington time and time again to represent them.

Sil's special concern on the Appropriations Committee had to do with health and education issues. He had a particular interest in our medical schools, and long before there were any indications of his being a victim of cancer, he was doing everything he could to expand the research activities of the National Institutes of Health to foster prevention and find a cure for all those life-threatening ills that take such a toll.

In Silvio's case, he kept fighting back—never giving up—on the job until just a week before he passed away. That was his nature. He was a "scrapper".

He would want to be remembered that way—even to the display of a bit of temper at times when there was good reason for it, like his penchant for condemnation of governmental boondoggles.

Some say Sil was "flamboyant". I would say he was just doing what comes naturally, giving vent to his Italian heritage complete with gestures.

I might even say he was "bombastic" at times, but it was always for the purpose of dramatizing his point, and he could play the House like a master.

The truth is that beneath all that bombast was a very sensitive, considerate, caring, and lovable fellow.

He loved a good time, enjoyed having fun-loving people around him, and when cranked up, could be the life of the party.

We all respected Silvio for his professional talents as a lawyer and legislator.

He brought to his tasks a contagious zest, an intense gusto, an irrepressible sense of joy that reflected his view that politics is, after all, a human endeavor—and quite often a funny one.

While his recreational pursuits were officially classed as amateur, I considered him a pro when it came to hunting and fishing.

He could put us all to shame with his catch and his limit. Moreover he loved to serve as the chef when it was time to put it on the table, and there was no one better.

Oh how we're going to miss those wild game dinners and fish fries he was responsible for.

He was a great sport fan, gin and bridge player, but I'll leave that up to the Speaker, except to say that when Sil was managing the Republican baseball team and I was pitching, we had the winning combination to beat the Democrats 13 years in a row. And he would want the Washington Post to know that we played hardball—not softball.

Finally, Sil was a gardener of both vegetables and flowers. We were always comparing notes and this spring, I'll surely be babying those Amaryllis bulbs he asked me to try, for each new bloom will remind me of 32 years of friendship with the greatest of them all.

Corinne, Michelle, Sylvia, John, and Gayle, we've tried in our very inadequate way to say for ourselves and for so many others that we loved Silvio deeply too, and share your grief and your profound loss.

But we take heart in having those beautiful memories of having shared our lives with your husband, your father, your brother, and your grandpa.

[From the Heights, the Independent Student Weekly of Boston College, Feb. 11, 1991]

BC BELOVED, CONTE, DEAD AT 69
(By David Daley)

U.S. Rep. Silvio O. Conte, a 17 term liberal Republican who never forgot his beloved alma mater while serving in Congress, died Friday night from cerebral bleeding at the age of 69.

The Dean of the Massachusetts Congressional Delegation and the third most senior member of the House of Representatives, Conte was rushed to the National Institutes of Health Hospital in Maryland on Friday, February 1 after experiencing flu like symptoms and complaining of a loss of feeling in his left hand. CAT scans indicated a "right-sided subdural hematoma," a blood clot which doctors removed during surgery that afternoon.

While doctors at the time considered Conte's prognosis to be good, surgery was again required on Wednesday, February 6 to remove additional blood from the right side of his brain, at which time the Congressman's condition was downgraded to critical.

"Certainly Boston College has lost one of its most intensely devoted alumni," Boston College President J. Donald Monan, S.J. said. "Silvio Conte was unquestionably one of the nation's greatest legislative leaders. He devoted himself to the values that affect people's lives: health care needs, the environment, education, dignified work.

"More than a public servant, Silvio was a large-souled human being who poured his immense enthusiasm for life into everything he did. He totally enjoyed every aspect of life and lived it to the full. I've always been very proud that Boston College opened the door to a career that benefitted so many people," Monan said.

Silvio Conte graduated from Boston College in 1949, completing both his undergraduate work and his law degree in only four years, while still playing football, holding down an evening job, and commuting the 130 miles home to his young wife and family in Pittsfield on weekends.

In 1950, just one year after graduation, Conte was elected to the Massachusetts State Senate and embarked on a courageous and colorful career in public service which would last for the next 41 years. He was elected to Congress in 1958, defeating noted historian James MacGregor Burns, and overwhelmingly returned to his seat 16 more times. A Republican in a Democratic state, Conte's immense popularity was evidenced by the fact that he ran for re-election without opposition seven times, and on three occasions with the nomination of both parties. Conte was re-elected last November with an overwhelming 78 percent of the vote.

Within Congress, Conte's priorities centered around health, environmental and education issues. He had a profound impact upon these issues because of his position as Ranking Republican on the House Appropriation Committee and its subcommittee on Labor, Health and Human Services, and Education. Equally important is that Conte will be remembered as a courageous Congressman who voted with his conscience and spoke his mind, regardless of party.

Conte co-sponsored the floor amendment which provided the first \$5 million of federal funding for AIDS research, a program which now stands around \$2 billion annually. He was also the first Republican sponsor of Clean Air and Acid Rain legislation, which passed Congress last year after a decade-long battle.

Conte established his independence early by voting to override Republican President Dwight Eisenhower's veto of a water bill in one of his very first votes. In 1961 Conte cast a deciding vote that enlarged the House Rules Committee, allowing President Kennedy to move his legislative agenda through Congress. Conte joined the Reverend Martin Luther King in his march on Selma, Alabama and was booted off the stage of the 1964 Republican National Convention for his outspoken opposition to the arch-conservative John Birch Society.

Independence also characterized Conte's approach to foreign affairs. As a member of the first Congressional delegation to meet with Soviet President Mikhail S. Gorbachev, Conte himself received Gorbachev's assurance that halting the nuclear arms race would be the goal of upcoming arms negotiations. Conte's support of the Arias peace plan for Central America earned him the personal thanks of the Nobel Peace Prize winner, and Conte's work on the emergency aid package to Ethiopia in 1985 was intrinsic to its passage.

Just last month, Conte was one of only two Republicans voting against the act authorizing the president to use force against Iraq any time after the January 15 U.N. deadline for their withdrawal from Kuwait.

At Boston College, however, Conte will be forever remembered by the athletic forum that bears his name, a grateful symbol for all the work Conte did on behalf of BC in Congress. Conte's position on the Appropriations Committee gave him influence over large amounts of federal funds, and the Congressman guided millions of dollars worth of science and research grants in the directions of his alma mater.

Conte never forgot that it was education which allowed him to attain these heights, and that scholarship aid and the G.I. Bill made it all possible for him. The Silvio O. Conte Foundation, perhaps even more so than his legislative achievements within the education field, will make it possible for qualified students of limited means in his district to attend college.

Tributes to Conte have poured in from admirers on both sides of the political aisle. Massachusetts Senator Edward Kennedy said that "Sil Conte was one of the ablest, most effective and most respected members of Congress of his time.

"The people of Massachusetts, have lost a great congressman. The nation has lost a great champion of its best ideas and the Kennedy family has lost a great friend," he said.

Governor William Weld echoed Kennedy's sentiments, saying that "The people of the Nation and commonwealth and the first Congressional District have lost a great friend with the death of Silvio Conte."

Senator John Kerry praised Conte as "one of those rare personalities on the Hill who brought people together no matter what side of the issue they were on. Everybody feels that this is the passing of that special personality that comes along only once in a long while."

[From the Berkshire Eagle, Feb. 9, 1991]

SILVIO CONTE, 69, DIES; WAS POWERHOUSE ON
CAPITOL HILL
(By D.R. Bahlman)

U.S. Rep. Silvio O. Conte, R-Pittsfield, an immigrant's son who rose from being a factory worker to become one of the most influential figures in Congress, died last night at the National Institutes of Health Hospital in Bethesda, Md., of complications associated with cancer.

A press release from Rep. Conte's office in Washington said death came at 8:50 p.m. The immediate cause of death was described as "extensive intracerebral bleeding." His physicians said they believed the bleeding near the brain had resulted from a blood disorder related to the progression of prostate cancer.

At the time of his death, Rep. Conte was the ranking minority member of the House Appropriations Committee. That seniority, combined with strong bipartisan political connections forged over the years, gave Berkshire voters a powerful voice in Washington. For much of his tenure, he was the only Republican in the state's congressional delegation.

Following his graduation in 1940 from Pittsfield Vocational High School, Rep. Conte worked for a time in the press room of The Berkshire Eagle and as a machinist at General Electric Co., whose interests he vigorously advanced throughout his congressional career.

CALL FROM LBJ

Indeed, he much enjoyed telling a story that began with a 1963 telephone call from President Lyndon B. Johnson, who had just been sworn into office after the assassination of John F. Kennedy.

Johnson was facing his first foreign aid vote in a House Appropriations subcommittee, and he was worried.

"The whole world is looking at me to see whether I'm in control," Rep. Conte said Johnson told him. "It would be devastating to me if I lost my first issue."

Rep. Conte and John V. Lindsay of New York, another moderate Republican, came through for Johnson. The bill passed by one vote in subcommittee, committee and the full House.

During a visit to the White House, related Rep. Conte, the president praised him as "a great American" and told him that "if you ever want anything, you pick up that telephone and call me up."

Time passed, and a representative of GE power transformer asked Rep. Conte to help the Pittsfield business get a contract to supply equipment for a big West Coast power project being built by one of the federal authorities. Rumor had it that connections in the Interior Department would land the contract for Westinghouse Corp.

Rep. Conte called Jack Valenti, a White House aide, and reminded him of Johnson's chit. In 30 minutes, Valenti called back.

"You've got the contract," he said.

PENCHANT FOR SHOWMANSHIP

A colorful figure whose penchant for showmanship on one occasion in 1986 prompted him to don a pig mask to demonstrate his opposition to the pork he smelled in a giant supplemental appropriation bill, Rep. Conte's outspoken independence occasionally ruffled some conservative feathers.

"An unabashed liberal" was the description once applied to Rep. Conte by a spokesman for the Conservative Caucus.

To Ann S. Lewis, former national director of the liberal Americans for Democratic Action, Rep. Conte was "sometimes an ally and never an enemy."

Rep. Conte was a legislator on whom it was difficult to paste political or ideological labels. It was even more difficult to expect the labels to stick for very long.

"I would call him a political centrist who made the most of his ability to maintain a lot of Democratic party support," said historian James MacGregor Burns of Williams College, who ran unsuccessfully against Rep. Conte in the latter's first bid for Congress.

Burns recalled that election battle as having been "hard-fought, but never bitter or personal."

"His voting record was really just down the middle," Burns said. "Over the years, he moved from being a moderate conservative or moderate Republican to a kind of no man's land, or one man's land, that he staked out for himself. The most impressive aspect of his career was sheer longevity. He accumulated such seniority on the Appropriations Committee, and he was able to shift back and forth so adroitly between the two parties, that he got a great deal of influence in Congress that much benefited his district."

ESCAPED FALLOUT

Occasionally, Rep. Conte annoyed his Republican colleagues. However, when he opposed them on key votes, as he did in January 1991 when he numbered himself among the 12 Republicans in Congress who voted against giving President Bush the authority to use force in the Persian Gulf, the political fallout that might have showered a less senior legislator did not attach to Rep. Conte in either Washington or Pittsfield.

Rep. Conte repeatedly insisted that his voting record was a reflection of his constituents' interests and, more importantly, his view of "the best path for both our district and our country."

Throughout my public career in Congress, I have exercised one principle: the independent quality of personal convictions regardless of party, politics or pressure groups. Rep. Conte wrote in a news release announcing his candidacy in 1970. "I consider this style of conscientious, yet independent legislating, free from the chains of special interest, as the best possible approach within our system."

The son of Italian immigrants, Silvo Otto Conte was born on Nov. 9, 1921, in Pittsfield, son of Ottavio and Lucia Lora Conte.

When the United States entered World War II in December 1941, Rep. Conte enlisted in the Navy and served with the Seabees in the southwest Pacific theater.

On Nov. 11, 1947, Rep. Conte married the former Corinne L. Duval of Pittsfield. He entered Boston College and in 1949 graduated from its law school. He was admitted to the Massachusetts bar in the same year, and the following November, at age 29, he was elected to the state Senate.

On Beacon Hill, Rep. Conte attained the chairmanship of the Senate Insurance Committee, the youngest person in the history of the state ever to do so. He introduced legislation that established accident and health insurance benefits for state public employees, the first such law in the United States.

Eight years later, a broken Democratic promise of a patronage job prompted Rep. Conte to run for a congressional seat left vacant by the late John W. Heselton of Deerfield, a Republican.

His subsequent victory over historian Burns was repeated against other opponents 16 times.

An enormously popular politician, Rep. Conte regularly turned back challengers by comfortable margins, a pattern that began in 1962, when he received more votes than any opposed Republican in the nation, with 74.4 percent.

In his most recent campaign, against Democrat John R. Arden of Easthampton, Rep. Conte received more than 80 percent of the vote. Earlier in his career, as a state Senator, he had received the nomination of both Republican and Democratic parties and was

cross-endorsed again in his 1964 congressional bid.

GROWS IN POWER

After his first election in 1958, he was named to the House Appropriations Committee, and by 1964 was the ninth-ranking minority member.

In succeeding years, he became the ranking minority member of the Appropriations' Treasury-Post Office Subcommittee, a ranking member of the Foreign Operations Subcommittee, which examines foreign assistance programs, and the second-ranking minority member of the House Small Business Committee and two of its subcommittees.

Rep. Conte was active for years in the formation of Republican party policy. A member of the GOP platform committee, he helped set the party's planks on defense, foreign policy, and civil rights.

In 1967, he was elected vice president of the executive committee of the Republican Congressional Campaign Committee, a committee designed to help the election campaigns of non-incumbent Republican House candidates.

Away from Capitol Hill, practically innumerable honors were bestowed on Rep. Conte during his career. He held honorary doctoral degrees from 16 colleges and universities, including Williams College, North Adams State College, Hampshire College, the University of Massachusetts, Georgetown University and Amherst College. His alma mater, Boston College, gave him an honorary degree in 1974.

In 1963, the Republic of Italy named Rep. Conte, who was fluent in Italian, to the rank of Commendatore of the Order of Merit for his work in support of the North Atlantic Treaty Organization and for furthering the cause of Italian-American friendship.

Rep. Conte was a director, president or member of many organizations, including the American Legion, the Veterans of Foreign Wars, the National Association for the Advancement of Colored People, the Eagles and the Knights of Columbus, Ducks Unlimited, a national waterfowl conservation group, named him "Man of the Year" in 1972.

Locally, he was a member of on the board of overseers of Tanglewood and the Boston Symphony. He also was a director of Hillcrest Hospital, the Pittsfield Girls Club and a member of sportsmen's clubs in Adams and Richmond.

In Congress, Rep. Conte was a member of the Wednesday Club, a social organization for liberal Republicans whose membership is kept secret. He also joined Members of Congress for Peace Through Law, an anti-war group.

In 1985, President Johnson named Rep. Conte to the Migratory Bird Conservation Commission, an appointment that set the congressman on a path that led to enormous influence in matters dear to his outdoorsman's heart.

His love of woods, streams, lakes and open spaces may have been born during the Depression, when he helped feed his family by returning from rambles with mushrooms, blueberries and bullfrog legs for the table.

AN OUTDOORSMAN

In 1988, he told an interviewer that he was rarely happier than when trout fishing or duck hunting.

"I consider Sil Conte a true conservationist in the broadest sense of that term," said state Department of Environmental Management Commissioner Peter C. Webber of Pittsfield, a former state Senator.

"He has made a lasting mark not just on this district of this commonwealth, but

throughout North America through the wildlife habitat that has been preserved as a result of his personal efforts."

Rep. Conte's first big environmental battle was against the Dickey Lincoln hydroelectric project in Maine in the late 1960s.

The project, which Rep. Conte termed a "boondoggle," would have flooded 89,000 acres of forest land.

Eventually, the project was defeated, but not without political cost to Rep. Conte.

"That project was an environmental outrage, but my colleagues made me feel like a skunk at a lawn party for opposing it," he said. "I was accused of trying to ruin the New England economy. I was accused of being against jobs for New England. Some of my very good friends in the delegation would walk the other way when they saw me coming."

OTHER CRUSADES

He engaged in many other environmental crusades, some of which, like his effort to restore Atlantic salmon to the Connecticut River, ended in unqualified success. Others, such as Rep. Conte's fierce 1983 fight against a North Dakota water diversion project, ended in compromise.

It was during the height of that battle that Rep. Conte entered the House chamber carrying a pig mask, which he later put on to protest what he saw as runaway porkbarreling by North Dakota's senators, both of whom sat on the Senate Appropriations Committee. A photograph of Rep. Conte wearing the mask made news across the country.

In a 1988 interview, Rep. Conte asserted that the environment "can't be a partisan issue," although he conceded that it can be an emotional one.

"I do get excited. I do get mad. We Italians are by nature a very emotional people. But I don't stay mad. Goddamn it, when I walk back up that aisle to my seat, it's all over."

Wherever he went, Rep. Conte kept in touch with his district with the help of a staff highly trained in the science of constituent service. Many matters were handled by Rep. Conte personally.

"It never ceased to amaze me how completely he had his finger on the pulse of his district," Webber said. "Throughout the time that I served in the Legislature, I always regarded Silvio as a role model that I strove to emulate in my efforts to serve my constituents."

"He was an outstanding representative of the people of the area and that is reflected in his constituent service. I think what set him apart in that area, as in so many others, was how he threw himself completely into the job. He personally stayed on top of anything. A lot of people assume that his staff manages all that, and they did a great deal, but the high level of constituent service was a result of Sil's personal energy, commitment and enthusiasm. Throughout the 10 years that we served together, I never saw his energy diminish."

DECLINE IN HEALTH

The health problems that eventually resulted in Rep. Conte's death began in 1987 when he was operated on for prostate cancer.

His personal physician, Dr. John Lynch of Georgetown University was quoted yesterday as saying that Rep. Conte was undergoing successful treatment to control the cancer until approximately mid-December of last year when the cancer became refractory to treatment."

Rep. Conte then underwent treatment at the National Cancer Institute against the

spreading of the cancer. In mid-January it showed signs of rapid progression.

"Nonetheless," last night's statement from Rep. Conte's office said, "the onset of the events of the past week was sudden and unexpected."

The congressman underwent surgery on Feb. 1 for the removal of a blood clot near the right side of the brain. Additional surgery was performed Tuesday to remove another clot.

Rep. Conte's office said last night that funeral arrangements were incomplete and would be announced as soon as available.

[From the Berkshire Eagle, Feb. 11, 1991]

CONGRESSMAN CONTE

In the late 1970s, a moderate Republican congressman from Alabama, John Buchanan, happened to be in Berkshire County when The Eagle found fault with a vote by Congressman Silvio Conte. Congressman Buchanan was taken aback. "Don't you know," he said to an Eagle editor, "that he is one of the best we've got?"

The Eagle did know that—enough to give Mr. Conte its editorial endorsement regularly, even though the paper occasionally parted company with the congressman on subjects such as gun control. But the Alabama congressman did have a point.

Berkshire County tended to take "Sil," who died last Friday at 69, a little for granted. Voters here and throughout the First Congressional District simply grew to expect, over his more than three decades in office, that he would generally vote sensibly, handle constituent problems competently and not sell his support on crucial issues to the highest bidder. It took a remark like Mr. Buchanan's to give Mr. Conte his due.

Just a week before his death, the county got a flavor of how lucky it was to be represented in Washington by the ranking minority member of the House Appropriations Committee when the regional administrator of the General Services Administration, William Diamond, held a meeting in Pittsfield to describe plans for a new federal archives building. "There's only one man who could have pulled this gathering off," Mr. Diamond said, "and he's your congressman, Mr. Conte."

But it was not just the ability of a very senior incumbent to do favors for his district (all the while decrying pork-barrel projects in other districts) that won First District residents looks of envy when they told political insiders from elsewhere who their congressman was. What made Mr. Conte stand out was that, for all his rootedness in ethnic, blue-collar Pittsfield, there was nothing provincial or short-sighted about the issues he chose to champion.

From his pivotal position on Appropriations, Mr. Conte often provided a decisive vote in favor of foreign-aid grants sought by a president—Republican or Democratic—and opposed by tight-fisted congressman of both parties. As a hunter and fisherman, Mr. Conte was disposed to protect wildlife habitat, but he went beyond that to become a leader in Congress on a wide range of issues affecting the environment, from his opposition to dubious dam projects to his support of the Environmental Health Institute in Pittsfield.

In the early 1980s, Mr. Conte signed on as the first Republican sponsor of new clean-air and acid-rain legislation. He fought for acid-rain controls aggressively, going head-to-head with the administration of fellow Republican Ronald Reagan. Last year, the bill

became law—a timely monument to his—and other's—efforts.

More recently, he broke dramatically with a president of his own party by casting one of just three Republican votes against the resolution authorizing immediate military action in the Persian Gulf. This stance was of a piece with other votes by Mr. Conte against excessive funding for Star Wars and the MX missile and Washington's ham-handed policies in Central America.

All of these votes demonstrated the independence of a congressman who followed the sentiments of those who gave him his lopsided reelection victories much more than he followed the agenda of his party. Mavericks like him make a mockery of the notion of party loyalty, but, in their defense, they also help to insure that an agenda like the GOP's is not put together without some weighing of opposing views.

First District voters cared little about Mr. Conte's party identification but cared deeply about his attachment to the environment, his skepticism about foreign military adventures and his concern for those in need. The fact that he could be a leader in all of these areas while retaining a sense of humor about himself and Washington in general made it all the better. The district and the country will miss this happy warrior.

[From the Berkshire Eagle, Feb. 13, 1991]

SILVIO

(By Ken Schlossberg)

In the blue rolling hills
Of the Berkshires,
In Pittsfield, Massachusetts,
In this century's twenty-first year,
A boy was born of an immigrant family
That a whole nation would come to hold
dear.

In the blue rolling hills
Of the Berkshires
Through which rushing streams run,
That boy grew into a man
With a spirit as light
And a smile as bright
As the Berkshire summer sun.

Far from the rich autumn foliage
Of the Berkshires,
He went off to fight a great war,
Like a million young men
From the Berkshires,
And the Smokies,
And the Rockies,
And the Sierras,
To fight the great war
To end war.

Home from the war to end war,
Home in the beautiful Berkshires,
Backed by the G.I. Bill,
He went east to Boston College
Along Commonwealth Avenue,
He counted every penny,
Rooming in old Scolley Square,
Earning his BA and degree in the law
Before he was finally through.

Back in the blue rolling Berkshires,
His law practice underway,
He married a gal named Corinne,
Figuring they'd stay in the Berkshires
Until they were old and gray.
But, after too little time
He traveled back from the Berkshires
Leaving his comforts behind,
To serve in the state legislature
For many and many a day.

He traveled back east,
Thousands of hours and
Miles at least,
Honing his skill and steeling his will

Under the dome atop Beacon Hill.

Until the time came to move on,
To move on to Washington,
To join the political big leagues
To march up a bigger Hill still.
For thirty-four memorable years,
He worked the congressional climate,
Learning the moment to strike,
Learning how when to bide time.
Renowned for his prowess,
Peerless in the Appropriations process,
Meeting with Speakers, Presidents and
Kings,

Never forgetting where he came from,
Never forgetting what he called "mine".
The Berkshires, the People, the Place
He came from,
The needs of his neighbors,
Especially the too young to walk
And the too old to run,
From Pole to Equator, he saw the whole
world,

The Great and the Mighty he saw plenty of,
But none can compare with his
Beautiful Berkshires,
Those blue rolling hills in blankets of white,
Shimmering green in glorious summer,
Glimmering red orange in fall,
Those beautiful, beautiful Berkshires,
The People,
The Land he sprung from.

[From the Boston Globe, Feb. 9, 1991]

SILVIO CONTE DIES AT AGE 69

(By David Nyhan)

Rep. Silvio O. Conte, an earthy and affable Republican who for most of the past two decades was his party's most important officeholder in Massachusetts, died last night of cerebral bleeding.

Mr. Conte died at 8:50 in the National Institutes of Health Hospital in Bethesda, Md., after two operations to remove a blood clot from the right side of his brain. Funeral arrangements were incomplete.

Mr. Conte, 69, had represented the far-flung 1st District of western Massachusetts since 1959.

An approachable, fun-loving extrovert who made friends quickly and forgave foes just as readily, he was an old-school politician with thousands of friendships sated throughout the nation's political structure.

He loved the Berkshires, fishing, baseball, Boston College and the game of politics, in no particular order.

Shorter in stature, and quicker to bridle than his longtime congressional seatmate and fellow BC alumnus, Thomas P. O'Neill Jr., Mr. Conte and the retired speaker formed an enduring friendship that survived two generations of clashing partisan votes.

"Hey," Mr. Conte said in 1988, as he departed the Republican National Convention early after a series of rebuffs to causes he held dear, "As I tell Tip O'Neill, 'The important thing is we get up every morning'."

Despite ill health—he had surgery for prostate cancer in 1987 and for arthritis a year later, and had recently been undergoing cancer treatment—Mr. Conte recently insisted that he planned to seek an 18th term in 1992.

Mr. Conte, said many delegation members, was especially close to Sen. Edward M. Kennedy. Kennedy said last night: "Sil Conte was one of the ablest, most effective and most respected members of Congress of his time. The secret of his success was that he took the issues seriously, but he never took himself too seriously."

"The people of Massachusetts have lost a great congressman. The nation has lost a great champion of its best ideas and the Ken-

nedy family has lost a great friend," Kennedy said.

Rep. J. Joseph Moakley, a South Boston Democrat, called Mr. Conte's death "a great personal loss, as well as a blow to the clout of the state's delegation." Moakley said that Mr. Conte was a friend to all who were in need of low-cost fuel, and to all of those who wanted better education and health care.

"There was nobody as colorful and who knew the legislative process as well," Moakley said.

He also noted how Mr. Conte, an avid fisherman, had been fishing two weeks ago, and just last week had held a reception for Washington Mayor Sharon Pratt Dixon, a Democrat.

"The people of the nation and commonwealth and 1st Congressional District have lost a great friend with the death of Silvio Conte," Gov. Weld said in a statement last night. Feisty, fiery, steadfast friend and a tough as nails political adversary, all that describes Sil Conte."

For reasons Mr. Conte came to shrug off, the GOP changed dramatically from the party in which he enlisted as a young Berkshire County veteran back from Pacific service in World War II. It moved rightward, away from Mr. Conte's brand of meat-and-potato domestic politics and generally liberal foreign policy.

After a long and skillful climb through the intricate network of congressional committee assignments, Mr. Conte emerged as the ranking Republican on the House Appropriations Committee.

This is the panel that shunts the money into the thousands of expenditures the government makes, and from that vantage point Mr. Conte helped direct money New England's way so it could share in the federal largess.

"He is a big man for Massachusetts, a big man for New England," said Moakley. "No one will be able to step right in and do what he did for the region." The retirements of O'Neill and Springfield Democrat Edward Boland, coupled with the death of Mr. Conte, have now stripped the Bay State delegation of its three most senior—and influential—members.

Mr. Conte's combative and cantankerous voice in the halls of Congress. Known to the factory workers and rural dwellers of the five western Massachusetts counties he served as a friendly and down-to-earth politician, he came to enjoy a measure of fame as the white-haired, ruddy-faced spouter of political buckshot who enlivened the House.

Mr. Conte was the only Republican in the Massachusetts congressional delegation. He once noted with a hearty, infectious laugh that he was "a minority within a minority within a minority." His minority status was drawn from the ethnic, geographical, political and ideological roots. Battling all four stereotypes gave him great satisfaction.

As an Italian-American, he found the Massachusetts Democratic Party of the 1950s an almost all-Irish fraternity. Once elected to Congress in 1958, he seldom faced a tough fight from the state's dominant party. Like two other successful ethnic politicians of the period, Gov. John A. Volpe and Sen. Edward W. Brooke, the first black in the Senate since Reconstruction, Mr. Conte found upward mobility in the old Republican Party that was denied many ethnics in the fiercely tribal Democratic column.

A BREED APART

In the Massachusetts Legislature, Mr. Conte was, as a Pittsfield man, a westerner,

regarded as a breed apart by the Boston-dominated Beacon Hill crowd.

Congress, a more diverse body, presented no such barriers to Mr. Conte. There, his ample skills came into play. His specialty—amiable, hard bargaining—flourished. He was again in a minority, never in his 82 years part of the majority party in the House and, since 1982, the state's only Republican in Congress. But his other minority status—that of an ideological maverick—allowed him to forge alliances with majority members on the Appropriations Committee.

"It is a tremendous loss for Massachusetts, the Congress and the country," said Rep. Chester Atkins, a Concord Democrat who served with Mr. Conte on the House Appropriations Committee. Mr. Conte, said Atkins, "was one of the very rare people in public life who was beloved in public life."

Atkins recalled how he held a Silvio Conte Day in Lowell to thank the congressman for helping to secure federal funds for a park there. "We gave him a trolley hat and he drove the trolley. He had such enthusiasm, he was like a kid. He will be deeply missed."

Another memorable moment, said Atkins, came last year when Mr. Conte was speaking on the behalf of the Health and Human Services appropriations bill before a House panel. Mr. Conte, said Atkins, talked about the children it would help and the services it would deliver across the country so movingly that after he completed his testimony the committee began singing "The Battle Hymn of the Republic."

"It is going to be a tremendous loss that is impossible to measure," Atkins said.

Mr. Conte was a liberal Republican before the 1964 presidential nomination made that phrase obsolete. He then became a "moderate," a phrase of opprobrium in the Reagan-Bush era. While opposing some federal programs as wasteful, especially large subsidies to agribusiness, he supported housing, education and other programs.

In 1984, frustrated at the conservative trend of his party, he left the Republican National Convention in Dallas two days early. As he packed his bags, he said: "I like Ronald Reagan, but this party is getting carried away with its crazy ideology. They think I'm a 'dumb Dago,' but they're wrong. And someday this country will pay a price for the programs they're cutting."

LOYAL TO HIS ROOTS

Mr. Conte was intensely loyal to his ethnic roots and to his alma mater, Boston College. Along with fellow alumni O'Neill and Boland, Mr. Conte exercised a senior politician's boardinghouse reach into the groaning board of federal science and research grants on behalf of BC. The grateful Jesuit university, in turn, named its basketball-and-hockey complex after him.

He was the most upfront of politicians. Holding his tongue, sullenly nursing a grievance, smarting over a perceived slight without bringing it out into the open, none of these traits could be laid to him.

Calling a spade a spade was his stock in trade. Fellow congressmen were left aghast, irate, befuddled, or else helplessly overcome by laughter in the wake of his pithy tirades in the well of the House.

Mr. Conte's arrival in Congress marked the marriage of a man and his job. He never ran for anything higher, never had trouble winning reelection, and he never 'went Washington.' Staying in touch with his district was meat and drink to Mr. Conte. He devoted thousands of man-hours to swing defense contracts to the General Electric plant in

Pittsfield, which fed thousands of his constituents.

Mr. Conte was the son of Italian immigrants who weathered the Great Depression in Pittsfield, where he was born. His father, Octavio, worked for GE. And the son's armwrestling of defense contracts in Washington amply repaid the hourly wages wrested by Octavio between lengthy layoffs.

Mr. Conte told a straightforward version of events that explain how he happened to become a Republican:

"In 1949, I was fresh out of [BC] law school and looking for a job, I had worked for Bob Capeless, who was the mayor of Pittsfield back then, and he suggested that I take a job with the Census Bureau at \$25 a week. I considered myself an independent politically. And Foster Furcolo, who was the [Democratic] congressman back then, and in charge of patronage, gave the job to a foot doctor who was the chairman of the Democratic Party in Pittsfield. That's when I decided to run for the state Senate as a Republican."

The next year, he won the Senate seat, served eight years on Beacon Hill, then began taking the train down to Washington to serve in Congress. Once established, he carved a reputation for himself as a liberal maverick, more partial to the Rockefeller wing of the party than the emerging Goldwater and Nixon echelons of party influence.

A level-headed vote-counter who was always more interested in the art of the possible rather than staking out diehard positions that brooked no compromise, Mr. Conte once expressed a typically modest summation of his contribution:

"Being on this [Republican] side of the aisle has allowed me to do a lot of good, whereas over there, I'd be just another vote." Whatever he was, it was never just another vote.

Married to the former Corrine Duval, with whom he had four children, Mr. Conte was an unabashed, cigar-smoking liberal, who won his first congressional race with 55 percent of the vote, and ran unopposed more than half-a-dozen times after that.

His congressional career spanned eight presidents, going back to Eisenhower. Running against the 1962 Democratic ticket with Jack Kennedy in the White House, Mr. Conte rolled up the highest vote of any Republican congressman in the country with a Democratic opponent.

A frequent target of sniping by conservative Republican congressmen jealous of his skill at leveraging federal grants for his state, Mr. Conte once breezily dismissed his younger and more conservative brethren as "the apes." Barney Frank nicknamed Mr. Conte "Chingachgook," after the hero of James Fenimore Cooper's elegy to another of dying breed, "The Last of the Mohicans."

(Martin F. Nolan, Michael Frisby and Stephen Kurkjian of the Globe staff contributed to this report.)

[From the Boston Globe, Feb. 13, 1991]

BUSH MOURNS A COLLEAGUE, TEAMMATE

(By John W. Mashek)

WASHINGTON.—Reflecting on his long friendship with the late Silvio Conte, President Bush yesterday described his onetime congressional baseball team manager and sometime political opponent as "a decent, down to earth" man with "a great sense of humor."

In a telephone interview, Bush said the Massachusetts congressman "lifted people's spirits by just walking into a room and mine

when I saw him sitting at the end of the table for a meeting."

Unable to attend Conte's funeral today, Bush is sending Vice President Dan Quayle to represent him. Air Force Two is bringing a contingent of 10 House members, including Speaker Thomas Foley, Democrat of Washington, and House Minority Leader Robert Michel, an Illinois Republican, along with a number of White House staffers.

Bush noted that Conte's fierce independence, even from a Republican friend in the White House, was demonstrated just a month ago when the Massachusetts congressman cast one of his last votes—against the resolution authorizing the use of force in the Persian Gulf. Conte was one of only three Republican members to split with Bush on that important roll call on Jan. 12.

"That's a good example," Bush said of Conte's independence. "It was an important vote for us, but important to him, too. My respect for him wasn't diminished one iota."

Bush recalled that he got acquainted with Conte largely through their mutual love of sports, especially baseball. Bush was a member of the House from 1967 to 1971, representing Houston's West Side and suburbs. A baseball captain during his college days at Yale, Bush played first base for the Republican congressional team that Conte managed.

"He was a tough manager, our top man," Bush said. "Everyone loved the guy." For the record, the Republicans defeated the Democrats in all three games in which Conte was the manager and Bush the first baseman. The Republicans trounced the Democrats in 1967 by a score of 19-2 and in 1968 by a score of 16-1.

Both Bush and Conte served on powerful committees while they were in the House together, Bush on Ways and Means and Conte on Appropriations.

"No one ever said that he was posturing or doing something for political advantage," Bush said of Conte's voting record, which often clashed with Republican presidents dating back to Dwight Eisenhower.

The president also noted that Conte supported him in 1979 when Bush was gearing up to run for president against Ronald Reagan and a large GOP field. He said Andrew Card, a former GOP legislator in Massachusetts who is now Bush's aide, remembered "wondering who to support in the race that year, and Sil encouraged him to support me."

[From the Boston Globe, Feb. 11, 1991]
SILVIO O. CONTE

In an era of blow-dried, button-down politicians for whom politics seems more just labor than a labor of love, Rep. Silvio O. Conte was a throwback, a man who seemed genuinely to relish both the legislative whirl and the opportunity to make a better life for his constituents and those in need of government assistance across the land.

Conte, who died Friday evening at age 69 after representing his western Massachusetts district for 32 years, could stand in the well of the House and unabashedly sing the praises of the Red Sox or don a mask fashioned like a pig's snout to decry pork barrel legislation; he could also with equal verve fight in the congressional trenches for fuel aid for the poor or funds to clean Boston Harbor or rebuild the Central Artery.

Conte was a Republican by political accident as much as anything, and in the last decade particularly, he moved to a rhythm far different than the conservative drumbeat to which most of his GOP colleagues marched. Last month he was one of but three House Republicans to vote for continued reli-

ance on sanctions in the showdown with Iraq.

His rise to the position of ranking Republican on the House appropriations committee gave those who believe one of government's principal functions is to serve the poor an invaluable ally at the very center of decision-making about government spending.

It was only typical that just last week housing advocates across the country were looking to Conte to rectify what they judged as insufficient money in President Bush's housing budget.

Conte will be missed in the state and across the country for what he could get done. But he will be missed even more for who he was—a man who brought compassion, humor and a joyous spirit to American politics.

[From the Boston Globe, Feb. 12, 1991]

CONTE: TOUGH BUT CARING

(By David Nyhan)

If you met Silvio Conte, you liked him.

He was one of the good guys. The game of politics—which he entered; by chance, more than 40 years ago, after a Democrat croaked him out of a \$25-a-week census job—has changed dramatically. And not, in most cases, for the better.

But Conte's is one of the success stories in politics. Not because he held onto his seat for almost a third of a century, but because he was able to translate his values and his verve into laws and programs that did untold good, for the people of his district and for Americans everywhere.

He was a Republican, and a slashing, partisan street fighter when he felt the need, who happened to be amply endowed with kindness. He identified with just plain folks. And it showed.

His father was an Italian immigrant. Octavio was an on-again, off-again factory hand at the GE plant in Pittsfield. First-hand, Conte learned the value of a regular paycheck to a working-class family. And, more important, he never forgot it. He remained a lunch-bucket liberal in a party that turned right.

For the better part of two decades, he was the most important GOP officeholder in the state.

To an extent the voters of Massachusetts have yet to appreciate, the seniority and clout accumulated over generations by the likes of Sil Conte, Eddie Boland and Tip O'Neill harvested an ample share of federal largess, in the form of contracts, grants, jobs and appropriations. Conte was the last of the old Bay State bulls in the House.

Conte's adult life was bracketed by wars. He went off to the South Pacific as a Navy Seabee right out of high school. He didn't negotiate Boston College, then BC Law, till he had the GI Bill running interference with the bursar's office.

His last big vote in Congress came a month ago today. Conte was one of only three Republican congressmen to buck the president and oppose the de facto declaration of war Bush wrung from Congress just days before the bombing began.

Two weeks later, Conte said, "The war hangs over me like a pall." He was too senior a congressman, too rugged, too tough for the White House to whipsaw him for his vote. He realized what too few of our current crop of political leaders appreciate: that if you call a spade a spade, if you do what you think is right and damn the consequences, people will believe in you, even if they disagree with you.

"It troubles me," Conte told the Globe's Mike Frisby, "that we live in 1991, and you can't resolve this thing with diplomatic means, and you have to go back to barbaric actions of war."

"You wonder all the time: Why do we have to use force? Are we better off in Panama than we were before the attack? Are we any better off in Lebanon than before the Marines were killed?"

The war against Iraq was not the first US war Conte came to oppose. Fred Wertheimer, who runs the citizens' lobby Common Cause, worked for Conte during the late '60s. "He was fearless," Wertheimer said of the quick-to-anger-quick-to-laugh Conte. "Tough compassionate, he was the real thing. He stood up for whatever he believed in. He was not the type to let any kind of fears get in the way, yet he really cared about people and their social needs."

He told how Conte came out against the Vietnam War. "It was '67. He decided he wanted to come out against the bombing. I worked with him on the speech. When he got it to where he wanted it, he went to some veterans' hall in his district; I don't remember whether it was an American Legion hall, or a VFW post. He showed up one weekend and announced to his local veterans that it was time to end the bombing."

No big Washington press conference, no one-the-hand-on-the-other prevarication. Here I am, here I stand. "That's just the way he was," said Wertheimer. "I saw him just the week before last. We talked about how [political] money got so out of hand in this place. He was an exceptionally courageous legislator, tremendously skilled, spent all his life in the minority, yet was able to accomplish untold things."

If you live in the western part of the state, and he was your House vote for 32 years, you got your money's worth, in spades. Down to earth, down to business, never too busy to laugh. In an age of tabloid values and eight-second sound bites, he was living proof that competence and compassion can carry the day, any day, no matter what the party label, the climate or the odds. A good man in a business—the political game—that is going to seed.

[From the Boston Herald, Feb. 10, 1991]

U.S. REP. SILVIO CONTE, PITTSFIELD
REPUBLICAN

BETHESDA, MD.—U.S. Rep. Silvio O. Conte (R-Pittsfield), the ranking Republican on the House Appropriations Committee, died Friday following surgery earlier in the month to remove a blood clot in his brain. He was 69.

Mr. Conte died at 8:50 p.m. at the National Institutes of Health Hospital in suburban Washington. The immediate cause of death was attributed to "extensive intracerebral bleeding," the congressman's office said in a statement.

Mr. Conte, considered a liberal Republican was known as an emotional and often humorous orator who sometimes delivered his speeches to the House in rhyme.

Mr. Conte underwent surgery Feb. 1 for the removal of a blood clot near the right side of his brain. His condition worsened Tuesday with additional bleeding, and doctors operated to remove an intracerebral hematoma, his office said.

Doctors believed that Mr. Conte's condition resulted from a blood disorder related to the progression of prostate cancer.

The congressman was operated on for prostate cancer in 1987, and he was undergoing successful treatment to control the cancer

until mid-December. The cancer showed signs of rapid progression in January, his office said.

Assigned to the Appropriations Committee in his freshman year, Mr. Conte spent years being passed up for assignment to the labor and human resources subcommittees in favor of lower-ranking members. When he was assigned to the labor subcommittee in 1971, he was forced to give up his seniority on other subcommittees.

Mr. Conte, a native of Pittsfield, Mass., was a close friend of former House Speaker Thomas P. "Tip" O'Neill.

Mr. Conte was first elected to the House in 1958 after serving eight years in the Massachusetts Senate. He was elected to each succeeding Congress.

The son of Italian immigrants, Mr. Conte worked as a machinist for General Electric Co. before joining the Navy Seabees Corps in the Southwest Pacific during World War II. After the war, he went to school on the GI Bill, graduated from Boston College Law School in 1949 and started a law practice that he continued through 1958.

In Congress, he also served on the Committee on Small Business and the Migratory Bird Conservation Commission. He was a representative of the Smithsonian Institution.

He is survived by his wife, Corrine, and his children, John Xavier Conte, Gayle Fowler, Michelle Webb and Silvia Certo.

The funeral is scheduled for Wednesday afternoon at St. Joseph's Church in Pittsfield, Mass. A memorial service will be held at the Capitol Rotunda in Washington at a date to be determined later.

In lieu of flowers, Conte's family asked that donations be made to the Silvio O. Conte Education Foundation at 100 North St., Pittsfield, Mass. 01201.

Conte established the foundation to provide financial aid for college students from his district.

"It was Mr. Conte's wish that the foundation provide these students with the same gift he was given as a young man, a chance to go to college, so that they too can realize their dreams," his office said in a statement.

[From the Boston Herald, Feb. 13, 1991]

THE IRONIES OF SILVIO CONTE

The only force powerful enough to remove Silvio Conte from Congress was an extra-political one. On Friday night, death claimed the man who spent more than 30 years as Western Massachusetts' representative in the U.S. House, and the past dozen years as the state's only Republican with any political clout worth mentioning. As he died, the state's new Republican lords were celebrating their party's ascendancy at a festive dinner in Randolph. Governor, lieutenant governor, treasurer, cabinet members, state senators—Republican leaders were assembled in Conte's name.

Conte would have appreciated the irony. And he would have known better than to take umbrage at the unintended slight. After all, over the years he had little enough in common with his fellow Republicans.

For one thing, they were concentrated in the eastern part of the state. Conte was born and bred in the Berkshires. For another thing, Conte watched Massachusetts Republicans grow increasingly conservative, energized (and given voice) by the likes of Ronald Reagan and Ray Shamie. He, by contrast, was an unabashed liberal of the Lyndon Johnson/Mike Dukakis school, who lambasted his own party—intent in recent years on turning back the tide of govern-

ment spending—for "getting carried away with its crazy ideology."

But the biggest difference of all was that while most Massachusetts Republicans were losers, Silvio Conte was a winner. Aggressive, boisterous, unselfconscious, feistily partisan when that served his needs, agreeably bipartisan when that served his needs—he was born to the game of politics and excelled at it.

You didn't have to agree with Conte's views or votes to admire his savvy or enjoy his personality. And you didn't have to share his view of the world to know that he was a genuinely decent man. May he rest in peace.

[From the Boston Herald, Feb. 13, 1991]

SILVIO CONTE'S CAUSE: A JUST AND COMPASSIONATE NATION

(By Mark L. Wolf, U.S. District Court Judge, Boston)

With the death of U.S. Rep. Silvio Conte, Massachusetts and the nation have lost a public servant who personified the aspirations, opportunities, and challenges which are central to the meaning of America.

Conte was the son of Italian immigrants. With them, he survived the Depression in his home town of Pittsfield.

After serving in World War II, Conte struggled through Boston College and its law school. Conte attended law school while working full-time, but could not afford all of the necessary books. He was on the verge of flunking out before being rescued by a sympathetic dean.

In 1950, Conte was elected to the Massachusetts Senate. There he worked hard for his district and first displayed his enduring ability to successfully assist earnest aspirants for public office. For example, Conte often spoke with particular pride of his role as a state legislator in the appointment of Pittsfield judge Francis Quirico, who later brought great intelligence and flinty integrity to the Massachusetts Supreme Judicial Court.

Conte was elected to Congress in 1958 as a liberal Republican. In Washington, he was always faithful to his principles, if not to his party.

After initially supporting the war in Vietnam, Conte called for a halt in the bombing. This prompted his former House colleague Melvin Laird, then Secretary of Defense, to urge Conte to leave the Republican Party. This call would be heard again, and always be unheeded.

Rather, Conte rose to become the powerful ranking Republican on the House Appropriations Committee. As such, he was, depending on the issue, either a vital ally or formidable adversary of Presidents Reagan and Bush.

Indeed, last month Conte was one of three House Republicans to vote against the resolution authorizing President Bush to begin the war against Iraq. Yet President Bush has mourned Conte as a congressman of "unmatched dedication [who] touched the lives of many others with his humor, warmth and decency."

As the President recognized, Conte's career was distinguished by his devotion to helping others. But, as the congressman understood this was always part of a larger effort to give renewed integrity to America's promise as a land of freedom and opportunity.

Undoubtedly remembering his father's difficulties while intermittently employed by General Electric in Pittsfield during the Depression, Conte acquired a succession of substantial defense contracts for the General Electric plant and championed federal legislation to regulate layoffs. Recognizing the

importance of his education, Conte attracted enormous federal grants to Boston College, Boston University, Smith and other schools throughout Massachusetts. And understanding that not everyone was endowed with his strength and ability, Conte worked tirelessly for federal legislation to assist the disabled, the retarded, and many others least able to help themselves.

Like Abraham Lincoln, Conte was—and remembered he was—truly "of the people." Thus, like Lincoln, he was especially effective in speaking "for the people." Recently, Conte testified so passionately before a congressional committee about the children who would be helped by an appropriations bill that its members were moved to sing, "The Battle Hymn of the Republic."

Their response to Conte's plea was particularly fitting. For although he was a happy warrior, life for Conte was a battle—first for himself and his family, and ultimately for many others. Now after 69 years, Conte's active duty has been concluded.

Yet the cause to which Conte was devoted—making this a more just and compassionate nation—endures. The congressman's death may be another contribution to that cause. For, as another sometime son of Pittsfield, Justice Oliver Wendell Holmes, Jr., once said: "At the grave of a hero . . . we end not with the inevitable sense of loss, but with the contagion of his courage; and with a kind of desperate joy we go back to the fight."

[From the New York Times, Feb. 10, 1991]

REP. SILVIO O. CONTE, 69, IS DEAD; MASSACHUSETTS ADVOCATE FOR POOR

(By Adam Clymer)

WASHINGTON, February 9.—Representative Silvio O. Conte, a combative Republican who battled, sometimes against his own party, for the poor, for students, for the environment and for medical research died Friday night at the National Institutes of Health in Bethesda, Md. He was 69 years old.

Doctors at the institutes said he died of extensive bleeding in the brain, brought on by progression of prostate cancer. He had undergone two brain operations after entering the hospital on Feb. 1.

Mr. Conte, the senior Republican on the House Appropriations Committee and the only member of his party in the Massachusetts delegation, was beginning his 17th term in the House.

Last month, he was one of only three House Republicans to vote against a resolution authorizing President Bush to begin a war against Iraq. When he did so, he recalled unhappily his 1964 vote in favor of the Gulf of Tonkin resolution that was cited as authority for a widening of the war in Vietnam. That vote, Mr. Conte said, led to "tragedy and needless loss of lives, and I pray this one will not."

UNITING BEHIND PRESIDENT

He said he had believed that economic sanctions against Iraq should be given more time to work. But after Congress decided otherwise, he said: "It is time for our nation to unite. I am behind the President 100 percent from this day on."

In more than three decades in the House, he was known both for his public, vocal outbursts against excesses of "pork"—Federal aid to beekeepers was a particular target—and for his expertise in getting things done through the rules of the House and through close friendships with other powerful Massachusetts lawmakers like Thomas P. O'Neill Jr., the former Speaker of the House, a Democrat.

Mr. Conte looked after his district, from the longtime friends he invited to an annual spring fishing tournament at a lakeside cottage near Pittsfield to the major colleges and universities like Amherst, Hampshire, Mount Holyoke, Smith, Williams and the University of Massachusetts.

With Mr. O'Neill, he wrote legislation providing the poor with help to pay heating bills. He wrote the 1970 law creating Amtrak to preserve passenger rail travel. In 1983 he co-sponsored the first \$5 million for research into AIDS, a program now at a \$5 billion level.

Born in Pittsfield, he worked as a machinist and then served in the Seabees in the Southwest Pacific in World War II. Afterward he attended Boston College under the G.I. Bill of Rights, injuring a knee as a football player. He graduated from Boston College Law School in 1949 and was elected to the State Senate the next year.

For friends and colleagues who wondered why he as a Republican, with a voting record that sometimes won 90 percent approval from the liberal Americans for Democrat Action, he said he had become a Republican as a young man when he could not get a job as a census worker. Democrats controlled those jobs, he said, and when he could not get one, he changed parties.

Another blunt, characteristic decision was recalled by Fred Wertheimer, president of Common Cause, the public affairs group, who for many years was an aide to Mr. Conte on Capitol Hill. When Mr. Conte began to turn against the Vietnam War in the late 1960's and decided to call for a halt in the bombing, Mr. Wertheimer recalled, he went to a veterans group in his district to make his first announcement.

"We were talking about it the other day," Mr. Wertheimer said, and "he recalled they didn't like the speech very much." But the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans all honored the lawmaker in recent years.

Mr. Conte is survived by his wife, Corinne; four children, Michelle Webb of Hardwick, Mass., Sylvia Certo of Arlington, Va., John Conte of San Jose, Calif., and Gayle Fowler of Westminster, Md. and six grandchildren.

Funeral arrangements were incomplete.

[From the Washington Post, Feb. 10, 1991]

POPULAR MASSACHUSETTS REPRESENTATIVE
SILVIO CONTE DIES
(By Tom Kenworthy)

Rep. Silvio O. Conte, 69, the dean of the Massachusetts delegation to the House of Representatives and one of Congress's most beloved and respected members, died Feb. 8 at the National Institutes of Health after surgery for a brain clot.

Doctors believe the cerebral bleeding stemmed from the progression of prostate cancer for which he had surgery in 1987, his office said in a statement. His death was attributed to "extensive intracerebral bleeding," Conte's office quoted doctors as saying.

After learning of the congressman's death, President Bush issued a statement saying, "For over three decades, Congressman Conte served his state and his nation with flair, skill and unmatched dedication. Silvio Conte touched our lives and the lives of many others with his humor, warmth and decency."

Mr. Conte, a liberal Republican who was often at odds with a majority of his GOP colleagues and his party's presidents, was the ranking Republican on the Appropriations Committee.

He was an enormously popular figure in the House, where his stentorian

denunciations of pork-barrel projects and wasteful government spending were a regular feature of floor debate. An aficionado of the flamboyant gesture, Mr. Conte in 1983 donned a pig's snout and ears on the House floor to denounce colleagues who he said "have their noses right in the trough and they're slurping it up for their districts at the expense of all the taxpayers." His reputation as an opponent of pork-barrel projects did not, however, prevent him from bringing home the bacon to western Massachusetts.

In recent years, suffering from the effects of prostate cancer, he frequently traveled the halls of Congress in an electric cart. With the flags of his country, his state and the nation of Israel waving from the handlebars, he would honk his way through throngs of tourists.

In an era when the ranks of House Republicans are increasingly dominated by somewhat humorless conservatives who seem more interested in confrontation with Democrats than in influencing legislation, he was something of a throwback.

As the only Republican representative from what is arguably the nation's most liberal state, Mr. Conte frequently voted with the Democratic majority that has controlled the House for more than 35 years.

Just last month, for example, he was one of only three Republicans who voted to deny President Bush the authority to use force to expel Iraqi troops from Kuwait.

However, as Congress voted to support the troops in the Persian Gulf War, he said, "At a time like this, you've got to rally behind your troops. Anything else would be dishonorable."

Mr. Conte could make or break an appropriations bill. In the early 1980s he did just that to President Reagan.

The congressman worked to include some Caribbean aid that Reagan wanted in an appropriations bill, but when Reagan vetoed the measure anyway, Mr. Conte led the override battle and got 80 Republicans to vote with him.

"I hope he learns a lesson," Mr. Conte said of Reagan. "You just don't have 435 robots here in Congress that are going to vote in lock step."

He was a champion of spending on human services and once referred to Reagan's budget director, David Stockman, as "the young slasher." He was capable of name-calling at other levels too. He referred to the Senate as "a bunch of fat cats up there raking in the bucks" and once called Sen. William Proxmire (D-Wis.) "a cheap, irresponsible demagogue."

Mr. Conte was known for his rhymes, and last October, as Congress debated the budget and the government dismayed tourists by shutting down, he offered verse:

We're frightened by the interest groups.

We act like silly nincompoops.

We can't make cuts that cause some sting.

We cannot even do a thing.

And now we have run out of time.

And that, dear friends, is our own crime.

The government—it has shut down,

And we're the only game in town.

Let's work to get this budget through,

And get these tourists to the zoo.

In 17 election campaigns in Massachusetts's 1st District, Mr. Conte was unopposed seven times. His first victory was over James MacGregor Burns, the Williams College professor and biographer of Franklin D. Roosevelt, after Mr. Conte promised to bring federal grants and projects to the district.

Mr. Conte was a native of Pittsfield, Mass., and a 1949 graduate of Boston College's law school. He had served in the Navy, as a Seabee in the Pacific, during World War II.

He was elected to the House in 1958 after serving for eight years in the Massachusetts state Senate.

Survivors include his wife, Corinne, and four children.

[From the Washington Post, Feb. 12, 1991]

SILVIO CONTE

Much has been made of the fact that Rep. Silvio Conte, who died here on Friday at the age of 69, was a multiple-minority. The child of Italian immigrants, he grew up in a part of western Massachusetts that was dominated by Yankees. He was a Republican in an overwhelmingly Democratic state and at a time when power in the House was held by an unbroken line of Democrats. And within his party, he was part of that dwindling cadre of moderates that has been losing power and influence since the mid-'60s. Yet in spite of these circumstances—or perhaps actually because of them—he was the consummate insider, a master of the legislative machinery, a man with friends and allies on both sides of the aisle and a representative who was beloved by his constituents and unusually effective on their behalf.

A great deal of his success was a result of his personality. He was a man with strong convictions, no pretensions and a straightforward style. He was merry. If he could make a point by putting on a pig mask to protest pork-barrel politics, he would. He led the House Republican softball team and wrote poems to celebrate victories and taunt opponents. When he really got going, he could have the whole House happily shouting out the punch line as his rhetoric climbed to a crescendo. Throughout his 32 years in the House Mr. Conte gave every appearance of having a great time.

With all this, he was a serious and effective legislator. He believed the government had responsibilities—particularly to the poor—and he was willing to assume them. Even as a member of the minority party, he had great power on the Appropriations Committee, and he used it to promote education, housing and low-cost fuel for the poor. The needs of New England, and in particular his own district, were given a high priority, but his vision was not parochial. He believed in this country's leadership role in the world and was a strong supporter of foreign aid and the United Nations. As his seniority grew with his circle of friends, he accumulated clout and contacts and used both to good effect.

Silvio Conte was a master politician and an ebullient personality, cherished by colleagues and constituents. He will also be missed by countless others in this city who admired his accomplishments and delighted in his company.

[From the Associated Press, Feb. 9, 1991]

SILVIO CONTE

(By John Diamond)

WASHINGTON.—Rep. Silvio Conte, affable top Republican on the House Appropriations Committee and dean of the Massachusetts delegation, died Friday night of a brain hemorrhage, his office announced.

Conte, 69, had been hospitalized since Feb. 1, for a blood clot on the brain and undergone repeated surgery.

His office said in a statement that doctors believe his cerebral bleeding stemmed from the progression of prostate cancer for which he had surgery in 1987.

Aides quoted his physician as saying Conte had been undergoing treatment to control the cancer and in about mid-December entered the National Cancer Institute. Within a month, however, the disease showed rapid progression, they said.

The 17-term congressman underwent emergency surgery on Feb. 1 for removal of the clot, and his office said then he was expected to recover fully.

The dean of the Massachusetts congressional delegation and its only Republican, Conte spent years angering Republican presidents with his left-leaning votes. And while he railed against pork-barrel spending he once wore a pig mask on the House floor he could win money for his district with the best of them.

Stout and gray-haired with a voice that could shake the walls of the House chamber, Conte had enough pull to get House Minority Leader Bob Michel to put on an Italian waiter's outfit and serenade him at a testimonial dinner. Maybe that's why Conte felt he could get away with driving around Capitol Hill in a 1970 fire engine red Pontiac GTO called "The Judge."

Conte evaluated his pull recently when he hosted his annual symposium for visiting western Massachusetts business leaders an event that regularly draws a who's who of the reigning administration.

"On a lot of the issues when they need me, I go out 100 percent and I usually produce results," Conte said. "And I can deliver when I want to deliver for them."

Ronald Reagan found that out the hard way in the early 1980s, a time when his presidential power and popularity were high.

Conte, by then the ranking Republican on the powerful House Appropriations Committee, went to bat for the President and included some aid for the Caribbean that Reagan wanted in an appropriations bill. When Reagan vetoed the bill anyway, a furious Conte led the override charge and got 80 Republicans to vote with him.

"I hope he learns a lesson," Conte said after the vote. "You just don't have 435 robots here in Congress that are going to vote in lock step."

Conte had tried to turn over a new leaf in the early '80s by voting with his Republican president on key issues, something he had never been inclined to do previously. He backed Reagan's controversial budget cuts and tax package in 1981.

But the honeymoon only lasted a few weeks. Soon he was back to his old self, fighting against the Reagan tide for more human services spending. Conte took to referring to Reagan budget director David Stockman a former GOP House colleague as "the young slasher." And he continued his regular bridge game with Reagan's political enemy, House Speaker Thomas P. "Tip" O'Neill Jr., D-Mass.

The same man who, earlier in his career, opposed President Nixon on the ABM missile system, the invasion of Cambodia and the SST airplane now was opposing Reagan on the balanced budget amendment, the MX missile and spending on heating oil grants, food aid to the poor and education.

Conte's clashes with Stockman weren't his only public displays of hostility. He once referred to the Senate as "a bunch of fat cats up there raking in the bucks." Once during a particularly nasty disagreement with Sen. William Proxmire, D-Wisc., Conte cleared his throat during an Appropriations Committee session and asked if it would be considered out of order to refer to Proxmire as "a cheap, irresponsible demagogue."

Conte could also turn that harsh tongue on his staff. He is widely known on Capitol Hill as one of the more difficult bosses and at least two former staffers, who asked not to be named, confirmed that characterization.

On the House floor Conte was as well known for his poetry and jokes as for his loud voice.

One of Conte's great anti-pork crusades was the fight against federal farm subsidies in general and payments to honeybee keepers in particular. Conte never seemed to run out of jokes about the bee subsidies.

"There is an old Scottish song," Conte said, "'I Got a Bee in Ma Bonnet and Ma Honey on Ma Mind.' Too many beekeepers are running around singing, 'I Got Dead Bees in Ma Bonnet and Federal Money on Ma Mind.'"

Despite his frugality on certain spending issues, Conte could throw around the money, particularly if the destination is western Massachusetts, his undisputed domain. In 1989 Conte charged into an Appropriations Committee meeting and insisted on a special \$2 million grant to Smith College in Northampton, Mass. Even though Smith ranked 33rd in the nation in endowment and even though it was a particularly tight budget year, Conte got most of what he asked for.

O'Neill, a wise appraiser of men, once summed up Conte's fiscal philosophy.

Conte was opposed to pork barrel projects, O'Neill said, "unless Massachusetts gets 50 percent."

Conte's annual birthday bash was also hardly a testimony to frugality. The guest list ran over 500 and a dazzling array of food brimmed with fish and game that Conte himself shot or caught on his many expeditions.

Doing a lot with a little was one of the themes of Conte's life.

Born Nov. 9, 1921 in Pittsfield, Mass., Conte grew up in that working class city's Italian-American neighborhood. At one point his father said the family couldn't afford to send Conte to college so he concentrated on learning the machinist's trade.

Then World War II intervened. Conte served in the Navy from 1942 through 1944. When he returned the Italian-American community in Pittsfield threw a parade for him.

With the help of the G.I. Bill, Conte went to Boston College and then Boston College Law School qualifying him as a "Double Eagle."

In 1950, a year after he got his law degree, Conte won a seat in the Massachusetts state Senate. Having learned firsthand what government help could do for someone, Conte wrote the nation's first law to extend health and accident insurance to all state and municipal employees.

Conte would eventually lose some of the stock he won in public employee circles by arguing vociferously against the size of the U.S. Capitol police force which has two patrolmen for every member of Congress. "We ought to have a workmen's compensation fund in case they trip over each other and get hurt," Conte said.

But that would come years later. In 1958 Conte set his sights on Congress. Incumbent Rep. John W. Heselon, R-Mass., torchbearer for the Yankee, Republican set that ran western Massachusetts, was retiring.

Running on the Democratic side was Williams College Professor James MacGregor Burns, the biographer of Franklin Delano Roosevelt. Burns was a close friend of Sen. John F. Kennedy, D-Mass., who was seeking re-election that year and warming up for his 1960 presidential campaign. The professor hoped to ride JFK's coattails into office.

Kennedy won 70 percent of the vote in the 1st District, which includes all of Berkshire, Franklin and Hampshire counties and parts of Hampden and Worcester Counties. But Conte outcampaigned the somewhat reserved Burns with a promise to bring federal grants to the district's cities and towns. He carried the election with 55 percent of the vote.

A lowly freshman, Conte sought the help of veteran Massachusetts Republican Rep. Joseph Martin to land a coveted seat on the Appropriations Committee.

In the 1962 campaign the ever-versatile Conte looked to the Democratic side for help. Campaign brochures pictured him with President Kennedy, Secretary of State Dean Rusk and House Speaker John W. McCormack, D-Mass.

That year he won re-election by a wider margin than any Republican incumbent in the country who faced opposition. A decade would go by before another Democrat stepped forward to challenge Conte. No one has come close to beating him.

Records show that Conte voted more often with Democratic Presidents Kennedy and Johnson than he did with Republicans Nixon and Ford.

"Silvio's like the Pentagon," one colleague observed. "He's got five sides."

In 1979 conservative House Republicans were making noises about opposing Conte's bid to assume the ranking Republican position on Appropriations. But old friend Bob Michel, then the Minority Whip, made sure Conte got the post.

Despite his occasional insults lobbed at the Senate, Conte often served as a mediator between the two branches. In 1976 the House and Senate were deadlocked on the abortion issue with the House favoring a ban on all federal funding of abortions and the Senate generally supporting funding. Conte, a Roman Catholic, broke an 11-week impasse by writing compromise language to prohibit federal funding "except where the life of the mother is endangered."

Conte may have been better known among some in Washington for his exploits on the baseball diamond. For years he managed a formidable Republican squad in a city where team bragging rights are taken seriously.

Always a fanatical sports fan, Conte followed the Boston Red Sox and Celtics religiously. He counted former Sox slugger Carl Yastrzemski and race car driver Mario Andretti among his friends.

Last year when baseball umpire Terry Cooney ejected Red Sox ace Roger Clemens from the fourth and final game of the playoff against the Oakland Athletics, Conte went ballistic and brought his ire to the House floor.

"Umpire Terry 'the Looney' Cooney didn't have to pay to get into the ballpark last night and I'm sure his hasty action made fans of the game wish they hadn't paid admission either," Conte said.

While fighting government pork on the House floor, Conte also insisted through most of his career in Washington that members of Congress are underpaid.

This, apparently, was a matter of principle for Conte because in more than three decades in Washington he became a millionaire. Two years ago he listed his assets at \$1.74 million.

Much of Conte's wealth was in the form of real estate holdings. He and his wife, Corinne, of 43 years, owned rental properties in the Washington area.

It was during his state Senate tenure that Conte married Corinne. Together they raised a family of four and shuttled back and forth between Washington and the Berkshires.

Despite ill health, age, and a federal law that would allow him to retire in 1993 and keep this campaign funds, Conte recently insisted that he planned to seek an 18th term in 1992. No one questioned that the district that voted for John Kennedy, George McGovern, Jimmy Carter, and Michael Dukakis would return Silvio Conte to his bully pulpit in Washington.

Conte is survived by his wife Corrine, and children, John Xavier Conte, Gayle Fowler, Michelle Webb and Silvio Certo.

Funeral arrangements had not been completed Saturday.

The announcement of Conte's death from his office ended: "The staff simply wishes to express our love for a great man."

[From Roll Call, Feb. 14, 1991]

FIVE BELLS RANG FOR SIL CONTE

(By Craig Winneker)

Members, staffers, friends, and family gathered yesterday in Pittsfield, Mass., to pay their respects to Rep. Silvio Conte, the much-loved veteran House Republican who died last Friday night of cerebral bleeding.

About 1,200 people, including Vice President Dan Quayle, House Speaker Tom Foley (D-Wash.), Minority leader Bob Michel (R-Ill.), and approximately 100 other Members attended the two-hour service, which was held at St. Joseph's Church in Pittsfield and was televised live on the ABC affiliate in Boston.

Also in attendance were Health and Human Services Secretary Louis Sullivan, Housing and Urban Development Secretary Jack Kemp, Veterans' Affairs Secretary Ed Derwinski (who, like Kemp, served with Conte in Congress), and former Boston Red Sox baseball great Carl Yastrzemski.

After a reading by former Rep. Edward Boland (D-Mass.), Michel and former Speaker Tip O'Neill (D-Mass.), two of Conte's closest friends, gave the eulogies.

"I was Sil's pal and knew him for over 40 years," O'Neill said. The former Speaker occasionally drew laughter during his 15-minute speech, at one point recalling how one friend remembered Conte as "plaids and stripes together—a colorful fellow."

At the end of his remarks, O'Neill sounded a more serious note: "The bells, in the parlance of the Congress, five bells, final adjournment. Well, Sil, last [Friday], five bells rang. It was final adjournment. 'Til we meet again, so long, old pal. May God forever hold you in the bosom of his heart."

Then it was Michel's turn.

"The ever-tightening bond of our friendship has been one of the best things to ever come my way," Michel said, his voice faltering occasionally.

Michel also recalled his days as a player on Conte's Republican Congressional baseball team. "Our Republican team, when he was managing and I was pitching, had a winning combination to beat the Democrats 13 years in a row. . . . That was the only thing we could beat the Democrats at."

The Republican leader also told the gathering about how he and Conte shared an interest in gardening.

This spring, Michel said, "I'll surely be babying those amaryllis bulbs he asked me to try, for each new bloom will remind me of 32 years of friendship with the greatest of them all."

Conte's beloved 1971 Pontiac GTO convertible, called "The Judge," was in the funeral procession.

Conte, who was 69, entered the National Institutes of Health on Feb. 1 after complaining of flu-like symptoms and a loss of feeling in his left hand. Doctors found a subdural he-

matoma, or blood clot, between the right side of his brain and the inner wall of his skull and operated to remove it.

A second operation was performed on Feb. 5 after tests showed internal bleeding on the brain.

Conte underwent surgery for prostate cancer in 1987. According to his personal physician, Dr. John Lynch of Georgetown University Hospital, the Congressman was undergoing successful treatment to control the cancer until approximately mid-December. A statement issued by the Congressman's office said Conte entered "a clinical trial for the treatment of metastatic prostate cancer at the National Cancer Institute. In mid-January, the cancer showed signs of rapid progression."

"Nonetheless," the statement read, "the onset of the events of the past week [the blood clot] was sudden and unexpected."

Yesterday morning, about 20 Members gathered on the House steps and, along with staffers and House officers, boarded buses to Andrews Air Force Base, where a military plane flew them to Springfield, Mass. From there they were taken to St. Joseph's Church in Pittsfield.

The mood was solemn as the Members boarded the buses for Andrews. They huddled against the blustery weather and chatted with other Members and staffers.

Rep. C.W. "Bill" Young (R-Fla.), who served with Conte on the Appropriations Committee, was misty-eyed as he stood on the East Plaza.

Rep. Carl Pursell (R-Mich.), who replaced Conte as manager of the Republican Congressional baseball team, said, "I learned a lot from him. He was a great teacher and a great Member." Pursell was also a colleague of Conte's on Appropriations.

Former Speaker O'Neill waited patiently in an official car along with Rep. Joe Early (D-Mass.). O'Neill greeted several Members, current and former, who came up to say hello and reminisce.

On the buses with House Members were: Washington, DC, Mayor Sharon Pratt Dixon; Clerk of the House Donn Anderson; House Postmaster Robert Rota; House Doorkeeper Jim Molloy; House Chaplain James Ford; and former Reps. Chip Pashayan (R-Calif.) and Doug Walgren (D-Pa.).

Conte's Washington and Pittsfield offices have been overwhelmed with phone calls and letters expressing condolences. For the past few days, people have been gathering in the town of Pittsfield in western Massachusetts' 1st Congressional district, which Conte represented for over 32 years.

Yesterday, City Hall was closed and the schools shut down early so that residents could attend the funeral Mass.

On Monday and Tuesday, mourners waited for hours in near-zero temperatures outside the All Souls Church in Pittsfield, where Conte's body lay in a closed casket.

Over the course of the two days, more than 8,000 people filed past the casket, which was flanked by a Knights of Columbus color guard and a large portrait of Conte.

Several wreaths were on display, including one from Conte's beloved Boston Red Sox.

President George Bush, in an interview with the Boston Globe, said Conte "lifted people's spirits by just walking into a room and mine when I saw him sitting at the end of the table for a meeting."

Bush, a House Member from 1967 to 1971, played first base for Conte's legendary baseball team. "He was a tough manager, our top man," Bush said. "Everyone loved the guy."

"History will list Silvio Conte as one of the greatest Massachusetts Members of Con-

gress and of the nation's greatest public servants," said Rep. Richard Neal (D-Mass.).

"There will be an enormous hole in the Massachusetts delegation," said Sen. John Kerry (D-Mass.). "He had his finger on the button and Massachusetts benefited from it."

Conte is survived by his wife, Corinne, and by his son, John Conte, and daughters, Sylvia Certo, Gayle Fowler, and Michelle Webb. The family asks that donations be sent to the Silvio O. Conte Educational Fund, 100 North St., Pittsfield, Mass., 01201.

(John P. Gregg, a former Roll Call staff writer, contributed to this report from Massachusetts.)

[From Roll Call, Feb. 14, 1991]

SID REMEMBERS SIL: A MAN WHO TOOK HIS JOB SERIOUSLY BUT NOT HIMSELF

(By Sidney Yudain)

In the fall of 1987, friends of Silvio Conte received in the mail a green flyer heralding the approach of the Congressman's 66th birthday.

"Sixty-six" Reasons to Celebrate with Silvio" read the headline on the invitation, and listed below was a melange of events and non-events, the majority of which provided clues to what made the charismatic Congressman click.

Number One was, "Silvio and Corinne's 40th Anniversary," surely an event deserving of first place on the list because Corinne and the family were paramount in Silvio's world, and the love affair that began when Silvio was a student at Boston College seemed to grow stronger with each passing year.

Number Six was the 37th anniversary of Silvio's first election to the Massachusetts state Senate, where he honed the legislative and oratorical skills that would later serve him so well in the national legislature.

Number Seven listed "Fran's meatballs," an indication of the family-like atmosphere that prevailed in the Conte office, an extension of the Conte family. Fran Maguire was one of the talented staffers, all of whom pitched in to contribute to the many parties Conte hosted with enthusiasm and good humor.

Other items called forth the Canadian geese season, a reminder of Silvio's love of hunting, one of his favorite extra-Congressional pursuits. "A new debt ceiling" and "a new continuing resolution" spoke of his concerns as the ranking member of the House Appropriations Committee.

"The second anniversary of Silvio's Duck Party," and the "third anniversary of the Pig Party" referred to the highly successful birthday parties of prior years, parties that attracted friends from all walks of life and all stations of society as well as national media.

"The return of the Judge" received due notice, not pertaining to a member of the judiciary, but Conte's old well-worn, but sporty car that had been laid up after an accident. Number 26, was "good health," a comparative quality since Silvio had recovered from surgery earlier that year.

Two more staff "celebrations" were "the return of Chinch Wollerton," a long-serving, long-suffering Conte aide, who was back after a stint in private enterprise, and "no going away parties this month"; Conte feted his staffers on birthdays, weddings, departures, and most any occasions.

Cited also were the arrival of a new grandson and Conte's new dog, "Pal," both dear to his heart.

Plus: "A good season for tomatoes." Silvio's passion for gardening blossomed in

the spring and lasted until the fall. Colleagues and cohorts from Speaker Tip O'Neill (D-Mass.) to favored reporters were the beneficiaries of Conte's green thumb and bountiful vegetable crop each summer.

The birthday list went on and on, detailing in cryptic, informal manner the warmth of personality and the devotion to family and friends of the man who won election to Congress in 1958 and who won the respect and affection of Congress in the ensuing 32 years.

Silvio Conte was a throwback to those legendary legislators who "used to be"—best described as Congressmen who took their jobs seriously, but not themselves.

When you have the respect of your colleagues, a record of solid accomplishment, and the reputation for doing your homework, you can afford to dramatize your legislative points with humor, satire, and good-natured pranks. Conte did that with great effect, and his appearances on the floor and in press conferences always drew an appreciative crowd.

Although he won acclaim for his legislative efforts for the poor, the distressed, the aged, and the ailing, he applied a sharp eye and an equally sharp tongue on Congressional appropriations for the Capitol Police and the other House attendants.

In floor debate on the 1985 budget, Conte criticized the police force, which had grown from 216 officers to 1,222 during his Congressional service. "I'm worried about the policemen," he said. "They're going to stumble over each other and somebody is going to get hurt. They have wives and children."

Then he took on the barber force, which had grown from 8 to 30 during his tenure. "We know who's going to get clipped. It's the taxpayer," he said in all seriousness, but with the hint of a twinkle in his eye, typical of the Conte approach.

An independent Republican, Conte nevertheless was non-partisan in nurturing friendships. One of his closest friends was the strongly partisan Democratic Speaker Tip O'Neill.

In fact, when Jimmy Carter became President and brought his retinue of non-political aides to Washington, Tip called on Conte to assist in repairing poor relations between him and Hamilton Jordan, Carter's chief of staff.

Jordan had slighted Tip at the Inaugural Gala, providing him with seats at the back of the hall, and then insulting the Speaker when he complained.

Tip got Silvio to throw a barbecue party in the Conte backyard. Jordan came and seemed to enjoy himself. Tip regaled the group with some of his famous stories during which Jordan turned to Lud Ashley, former Ohio GOP Congressman, and exclaimed, "Can he tell a story!"

Tip later remarked of the poor soul, in his third year in Washington and right-hand man to a Democratic president, "and he doesn't even know I'm a story-teller."

Most of Silvio's parties were more successful, though, with menus featuring the fruits of his hunts, ranging from venison to pheasant and sometimes even more exotic game, often cooked up by Conte himself.

One of the reasons for Conte's popularity was his genuine concern for others, not only in evidence by his legislative efforts, but on a personal level.

On a trip to Costa Rica in the '60s, after several days of inspecting sugar fields and sitting in meetings, the Congressional group prepared to return to Washington.

That morning a group of Congressmen had commandeered a driver, who took them out

to the countryside where they all purchased miniature hand-painted ox-carts usable as colorful tea wagons.

However, one non-Congressional member of the group missed out on the venture and felt badly about returning home empty-handed. The Members expressed regrets but noted it was time to leave.

Conte, however, motioned the fellow to follow him outside, borrowed the keys to a jeep and scoured the countryside until he came upon a farm selling the oxcarts.

Given Conte's wide range of interests, to single out one as overriding would be tempting error. But there is little doubt that baseball—the Red Sox, and especially the inter-political rivalry of the Congressional baseball teams—was the light of his life.

A natural athlete, Conte became player-manager of the Republican team in the first year of the Roll Call baseball competition in 1962. Over the next quarter-century, he sparked his team to a 17-7-1 record, at one point winning 12 games in a row.

His love of competition and his pervasive good humor contributed toward making the games national attractions each year. A broken finger in 1971 didn't stop him from performing, but a leg injury a few years later did. In 1987, he finally made good on his annual retirement threat when his body no longer would respond.

As illness slowed him down in recent years, Congressional circles buzzed with rumors of his retirement.

His multitude of friends and admirers sadly contemplated a Congress without Silvio Conte. We are shocked, saddened, and totally unprepared to find him gone from our lives.

In May 1987, the University of Massachusetts at Amherst established the Silvio O. Conte Fund to ensure that future generations of students will perpetuate Silvio Conte's quest for educational excellence.

At a mammoth fundraising testimonial dinner, Speaker O'Neill, Sen. Ted Kennedy (D-Mass), former President Gerald Ford, and others honored Conte at the Washington Hilton.

Conte had recently undergone a serious operation for prostate cancer. Yet his good spirits were intact. When this writer remarked that he was looking good, Conte laughed and replied, "Yeah, but you're looking at the wrong end."

[From the Almanac of American Politics
1990]

MASSACHUSETTS—FIRST CONGRESSIONAL DISTRICT

The valleys of western Massachusetts, settled by Yankees coming up the Connecticut River in the years before and after the Indian uprising known as King Philip's War of 1676, were for many years the essence of flinty, thrifty, chilly Yankeeedom. Fifty years ago they were symbolized by their best known recent resident, Calvin Coolidge, who left the White House after choosing not to run in 1928 and settled back into the comfortable college town of Northampton where he had started out practicing law. Even after Coolidge died in 1933, at the depth of the Depression, much of western Massachusetts remained loyal to Yankee Republicanism. By the 1940s, the Irish and other mill workers of Springfield and other industrial cities along the Connecticut River and Pittsfield and the smaller mill towns in the Berkshires were producing Democratic majorities big enough to carry the area; but the hillsides, where you could stumble on old farmers' stone walls in now dense woods, and college towns,

where the sons and daughters of America's elite matriculated, stayed Yankee.

Today western Massachusetts is very different political territory. In the 1988 presidential election, it was one of the most Democratic parts of the United States. Partly, this reflects Michael Dukakis' popularity in places like the old mill town of North Adams where he has used state government to revive local economies. But more important is that much of western Massachusetts has become an extended college town. The influence of the University of Massachusetts and Amherst College spreads out from Amherst; the radical tone of today's Smith College spreads out from Northampton; free-wheeling Hampshire College is nearby in Hadley and Mount Holyoke is in South Hadley. Over the mountains, beneath the Berkshires, are Williams College in Williamstown; and just south of Pittsfield are the communities of Lenox and Stockbridge, home of the Tanglewood Music Festival, celebrated in *Alice's Restaurant*. All these schools tended to attract liberal to leftist students, but the important voting bloc is made up of older baby boomers, attracted to this area by its physical beauty and cultural tone, some carrying around slightly sanitized memories of the great days of rebellion and drugtaking in the late 1960s and early 1970s, when it seemed their movement would sweep the whole world. This graduate student proletariat is the cutting edge of politics in western Massachusetts now, and Dukakis' strongest cities here in 1988 were not industrial Springfield or Holyoke but Amherst and Calvin Coolidge's Northampton, where he got 76% and 70% of the votes.

All of western Massachusetts, except Springfield and the towns just around on the east bank of the Connecticut River, make up the state's 1st Congressional District. By 1988, its younger voters made it one of the state's most Democratic districts, but its congressman is a Republican with roots deep in the area's old politics. Silvio Conte comes from industrial Pittsfield, was elected to the legislature in 1950, when Michael Dukakis was still in Brookline High, and won the 1st District seat in 1958, when the Yankee Republican retired, against none other than Williams Professor James MacGregor Burns, the Roosevelt and Kennedy biographer. Conte's politics are mostly those of old-fashioned liberal Republicans: fairly liberal on economics, quite liberal on cultural and foreign policy. To these he added a flair for the business that few WASPy liberal Republicans had. On many substantive issues he votes with the Democrats, which is a bit embarrassing to Republicans since he is now their ranking member on the Appropriations Committee (though he did support the 1981 Reagan budget cuts). On procedural issues like committee ratios, he is as partisan a Republican as can be. He flares up at programs that he thinks waste the taxpayers' money on the well-positioned: for years he has crusaded against subsidies to big farmers, against politically targeted water projects—the glue that Democrats use to hold their rural and urban members together. And for years he was one of the leaders on the Republicans' great softball team.

Conte was out sick during part of the 100th Congress. But his usual disposition is to be roaring with indignation. He bellows against cuts in programs that help feed the poor and elderly and finance student loans and medical research; he bellows at the Budget Committee for its transgressions against Appropriations; he bellows against subsidies to

boat-users and the depredations of acid rain; he denounces his colleagues for not having the courage to vote for pay raises. He is self-righteous, but in the hearty, competitive way of most politicians he can roar in indignation with the best of them but is not offended when his opponents do the same. He is shrewd enough to advance his views and his district's interests with considerable success, but he is not at all devious or underhanded. He is on excellent terms with Minority Leader Robert Michel as he was with Tip O'Neill.

In fact Michel, who served with him on the Appropriations Committee for years, supported him in 1979 when some conservatives wanted to deny him the position, to which the seniority principle entitled him, of ranking Republican on the committee. Seniority was not the only reason; Michel seems to feel that Conte does real service to his party, and probably most House Republicans agree.

His constituents recognize it also. In 1986 against an active Democrat he was reelected with 78%; in 1988, he won with 83%, running more than 40% ahead of George Bush. He can hold onto this seat as long as he wants, though if he retires by 1992 it might be merged with Springfield to accommodate Massachusetts's expected loss of a House seat.

[From the Dedication of the Silvio O. Conte Forum at Boston College, Feb. 18, 1989]

BIOGRAPHY OF SILVIO O. CONTE

The son of parents who came to America from Italy in search of opportunity, Silvio O. Conte attended Pittsfield public schools and went to work as a machinist at General Electric. World War II soon intervened, and at the age of 18 he shipped out with the Seabees for military service in the South Pacific.

Upon his return to civilian life, he was admitted to Boston College and graduated from the Law School in 1949. The pressures and demands of those years as a law student almost overwhelmed him as he worked at several jobs to finance his education and to provide for the young family that he and his wife Corinne had started. At a particularly low point in his first year of Law School, when he was having difficulty in a course, Father William J. Kenealy suggested that he ought to consider another law school. Silvio vowed that if he were given a second chance, he would one day make the school proud of him. He got that chance and kept his promise.

With the adjournment of the historic 100th Congress at the end of 1988, Congressman Conte marked the completion of a decade of service as Ranking Minority Member on the powerful House Appropriations Committee and thirty years of service in the United States Congress.

Elected to the state Senate in 1950 at the age of 27, he quickly established himself as a political force. After four terms in the state Senate, he was elected to the U.S. House of Representatives in 1958, where he has been returned by the voters of the Massachusetts First Congressional District for a current total of sixteen terms. In the course of his distinguished Congressional career, he has been nominated three times by both political parties and run unopposed eight times.

Throughout his years of service to his constituency and the nation, Mr. Conte has focused his greatest efforts on health, education, employment and human services programs as a tireless proponent of improved opportunities for all Americans. Since financing his college education with help from the G.I. Bill of Rights, he has been a staunch supporter of aid to higher education, advocating each year for increases in Pell Grants, College Work Study, SEOG, and other stu-

dent aid programs. For countless students with the dream of higher education but without the resources to permit them to pursue that dream, these increases have made the difference.

Congressman Conte's guiding philosophy is simple and oft-expressed. It is rooted in a belief, instilled by his parents, that opportunity is a short-hand word for some of the basic principles upon which this country was founded. It is nourished by his conviction that the education of the next generation is one of the most important tasks any nation can seek to undertake. It is reinforced by the lesson of history in the American experience, which affirms that this nation will grow and prosper in direct proportion to the ability of every person, no matter how humble, to develop his or her own talents and abilities to their fullest potential.

Expressing his personal esteem for Congressman Conte, Father Monan observed, "Silvio Conte's energies and spontaneity in promoting causes that advance our national welfare have become legendary in their proportions—and in their effectiveness. The marvel is that Silvio's capacity to understand and his willingness to be of assistance are never stretched thin. If this is the mark of rapid intelligence, it is also a measure of a boundless reservoir of desire to help others."

In 1975, when Boston College conferred upon Congressman Conte an honorary Doctor of Laws degree, the final statement of the accompanying citation summarized his Alma Mater's assessment and approval of his role in public service: "Statesman and a friend to truth, he commands the confidence of constituent and colleague, and honors his University by the decisions he makes for commonwealth and country."

[Invitation to Congressman Conte's 66th Birthday Party, U.S. Botanic Gardens, Nov. 9, 1987]

SIXTY-SIX REASONS TO CELEBRATE WITH SILVIO

(1) Silvio and Corinne's 40th Wedding Anniversary (2) Silvio's 66th Birthday (3) the 50th Anniversary of Silvio's 16th birthday (4) 25th Anniversary of Silvio and Corinne's 15th Wedding Anniversary (5) the beginning of Silvio's 67th year (6) to commemorate the 37th Anniversary of Silvio's first election to the State Senate (7) Fran's meatballs (8) the 101st birthday of the Statue of Liberty (9) the return of the miniskirt (10) to commemorate the 29th Anniversary of Silvio's first election to Congress (11) the return of the Canadian Geese (12) the return of the Jedi (13) the return of the Pink Panther (14) a new Continuing Resolution (15) a new debt ceiling (16) a new Gramm Rudman (17) a rise in the average life expectancy of the American Male (18) the 25th Anniversary of Silvio's 41st birthday (19) the 20th Anniversary of Silvio and Corinne's 20th Anniversary (20) the 100th Anniversary of the start of the 50th Congress (21) the dawning of the Age of Aquarius (22) the second Anniversary of Silvio's Duck Party (23) the third Anniversary of the Pig Party (24) the pending return of "The Judge" (25) good health (26) the Bicentennial of our Constitution (27) 17 days 'til Thanksgiving (28) 46 days 'til Christmas (29) 225th Anniversary of Templeton and Athol, MA (30) the return of Chinch Wollerton (31) no going away parties this month (32) not an election year (33) social security is still funded (34) a good tomato season (35) the arrival of grandson Nicholas Alberto Certo (36) the beginning of hunting season (37) 364 more days 'til Silvio's next

birthday party (38) the arrival of Conte's new dog, "Pal" (39) the 201st Anniversary of Daniel Shay's Rebellion (40) the removal of the scaffolding from the Capitol (41) the end of the NFL strike (42) the first snowfall in the Berkshires (43) the Marine Corps 213th birthday (44) the new System 85 telephones (45) the 100th Congress (46) Dwight Evans best season yet (47) King Edward VII's Birthday (48) Bahamas Remembrance Day (49) Boston Fire Anniversary (50) Actor Ed Wynn's Birthday (51) Anniversary of the Vietnam Veterans statue unveiling ceremony (52) Anniversary of Mary Martin's debut in "Leave It to Me" which made the song "My Heart Belongs to Daddy" famous (53) the return of Fran's "Bug" (54) Anniversary of the 1965 East Coast Blackout (55) 364 days 'til Election Day (56) the birth of Cybil Shephard's twins (57) the Cardinals 3rd victory in 6 years (58) 100th Anniversary of the Berkshire Theatre (59) the 9th week of Martin Spellacy's internship (60) the success of Tip O'Neill's book (61) 52 days 'til New Year's Eve (62) 2 days 'til Veterans' Day (63) the Chrysanthemum Show at the Botanic Gardens (64) Michael Jackson's new cleft chin (65) the appearance of Dalton, MA native, Jeff Reardon in the World Series (66) the gathering of Silvio and Corinne's family and friends.

REMARKS OF HON. SILVIO O. CONTE AT PRESENTATION OF SIR THOMAS MORE AWARD FROM BOSTON COLLEGE LAW SCHOOL, BOSTON, MA, MAY 3, 1986

Friends, alumni, distinguished guests—I humbly thank you for bringing me back here today to my beloved alma mater for this truly special award.

When I first learned that Boston College Law School had chosen me to receive the Saint Thomas More Award, its highest honor, I paused not only to reflect on this great gesture but on the man in whose name the award was given.

What I found in Thomas More's actions and writings brought the award very close to home and gave me pause to consider elements of myself, this institution and the Congress—my great love—that I had not considered before.

Sir Thomas More was first and foremost a man of fervent spirituality.

Thomas More believed in his God, he believed in moral righteousness, he believed in his heritage and, perhaps most importantly, he believed in himself.

These beliefs enabled him to relinquish a life of material wealth and accept a death sentence from the king he had nobly served.

When Thomas More refused to take the oath for the Act of Succession and Supremacy, he relinquished career achievement and material gain for a higher cause—his Catholic church and his Christian God.

It is this belief in a higher presence, a greater good, that enables us all to achieve notable things in life.

Bestowing upon me an award named for Saint Thomas More is the greatest honor I can conceive. To be mentioned in the same breath with this saint, scholar and truly great human being is overwhelming.

Like Thomas More, I too have searched many times deep within myself—during 28 years in the U.S. Congress—for answers to seemingly unanswerable questions.

It was my belief in the goodness within others and a confidence in my own abilities that helped me rise to the challenges of political office.

And it was a belief in God that made the toughest times bearable.

The inner cry for good is not always easy to answer and, as Sir Thomas More demonstrated, can exact a heavy price.

As a national legislator, I am often called on to make decisions that affect literally millions of people.

Those decisions, and there have been so many over the past 28 years, don't always come from experience or position papers or from staff experts—or even from common sense.

Most times those decisions come straight from the heart.

I remember many long walks alone through the empty halls of the Capitol in the early hours of the morning searching for answers.

There was one particularly tough dilemma, in my second term, during President Kennedy's first year as President. The Rules Committee was controlled by conservative Southern Democrats and Republicans who were bottling up President Kennedy's legislative agenda.

He wanted to enlarge the Rules Committee so he could get his legislation to the House floor. It became a party issue with the coalition of Southern Democrats and Republicans against the expansion.

In those days, young Congressmen kept their mouths shut and did what they were told to do. Taking a stand on this particular issue—voting my conscience—would cost dearly.

I went to bed very late that evening, genuinely perplexed about what I would do on the House floor the next morning. I hardly slept at all and I got up very early, still tossing the issue over and over in my mind.

But on the walk from my office to the Capitol, that morning, I stopped for some reason at the reflecting pool near the west entrance. The morning sun was bright, the air still, and I could see my reflection clearly in the shallow waters of the pool.

What I saw went beyond the reflection in that pool to the very essence of my being. And I could see, at that moment, the answer to my quandary.

Something about that moment—something spiritual brought a new understanding, unleashed that inner strength that I had searched for. And I knew what I had to do—vote my conscience. I, and a handful of Republicans, voted to enlarge the Rules Committee and the rules were changed.

Thomas More showed us all that there is no accomplishment, no success, no achievement without undying belief and inner strength.

During an outstanding career which included positions as Henry VIII's Lord Chancellor and Speaker of the House of Commons, Thomas More maintained a spiritual devotion above all else.

That devotion guided him in his decision to turn from his king, rather than compromise what he believed was just. Faced with a choice between allegiance to his king or his God, the choice was clear.

Thomas More's final words on the scaffold July 6, 1535 were "the king's good servant, but God's first."

I have to say that in spite of all the stories we know about Thomas More's spiritual integrity, what sticks in my mind is one almost insignificant little tale. As a young man, Thomas More fell in love with a beautiful woman. The problem was that she had an older sister who had not yet married and, as was the custom of the time, it was an embarrassment for the older sister not to marry first.

Because Thomas More didn't want to embarrass the older sister, he steered his affec-

tions toward her instead and later took her as his wife.

This act didn't change history and, isn't the stuff legends are made of, but it demonstrates what was in this man's heart. He was a kind man—always thinking about how his actions would affect the lives of others.

When I came to Boston College from the South Pacific, where I was stationed during World War II, I thought I had seen it all. But my years at BC and Boston College Law School taught me different.

During my years here, I learned about justice, teamwork, enterprise and gained the all-important ability to believe in myself. I learned how to seek good in bad situations, and how to find strength when I felt weakness.

I owe a special debt not only to the school but to three wonderful men who guided me along while I was here. And believe me, they had their work cut out for them.

Father Stephen Mulcahey, Dean of the College at the time, gave me my first big chance. He really took a gamble accepting me from a vocational school with experience as a machinist and a tour of military duty under my belt.

But during my years here he became a confidant, friend and advisor to whom I turned in many times of indecision.

And there was Father JFX Murphy. Without his help, I just couldn't have made it.

One of the preconditions of my acceptance at Boston College, you see, was that I take four months of tutorial studies.

Father Murphy and I burned a lot of midnight oil over the Latin texts those four months but those long hours we toiled in St. Mary's Hall went far beyond Classics. The lessons he taught lasted a lifetime.

And I'll never forget the chance Father William J. Kennely gave me during my first year at the law school.

I had injured myself playing football and the class work and jobs just never seemed to end.

Those classes at 18 Tremont Street—with no air conditioning, sirens screaming, James Michael Curly yelling at the top of his lungs from the streets outside—seemed to go on forever.

Well, I ended up with a "D" in Professor O'Reilly's Future Interests course and Father Kennely took me aside one day.

"Silvio," he said, "I think you ought to consider another law school."

I looked him in the eye and told him that if I couldn't graduate from Boston College Law school, I didn't want to go on to any other.

I had been living in a ratty, roach-infested old boarding house for \$5 a week down at 7 Bullfinch Place behind the Old Howard and hitchhiking home to Pittsfield on weekends to be with my wife Corinne and two children.

I had tended bar in Pittsfield on weekends, sold Christmas cards, and painted houses just to scrape by. I had forgotten what sleep was.

The work load, the responsibility and the pressure—everything—came to a head that afternoon in Father Kennely's office and I knew, then, that if he would just give me one more chance I could achieve anything.

I told him that if he let me stay I would make the school proud of me one day.

Father Kennely must have believed me because he gave me that second chance. I ended up graduating in the top third of my class and, as you have shown me today, I made good on my pledge.

Father Kennely and I became such good friends I even sold him on the idea of adopt-

ing a Boston College Law School class ring and ended up designing the shank for the ring, myself.

Boston College Law School educated me in matters of jurisprudence, but more important, it taught me to be a good, strong person.

As I stand here today, I can't help but think of Thomas More in his Tower of London cell 452 years ago looking out the window as spring breathed new life into the countryside.

Sir Thomas More was just a man that sunny May afternoon four-and-a-half centuries ago when he made the decision to die for what he knew was right.

He was just a man when he denied his King, he was just a man when the axeman spilled his blood, but he is a noble spirit today—a martyr to the Catholic Church and our Christian God—a rare example of belief in a greater good.

I have tried to be an example of what is good in government and what is good in the American legal system.

Decisions have not always been easy and I'd be lying if I said I wouldn't like to make some over again.

But what I can say in all truthfulness, is that I believed in what I was doing then as I believe in what I am doing today.

As the lone Republican in the Massachusetts delegation, I think you all understand the unique pressures I face on a daily basis as a party leader.

Boston College Law School helped me find strength within myself and helped define my belief in a greater good. And for that I will always be grateful.

Thomas More once wrote, "Only God beholdeth the heart." That may be true, but I'll tell you, Boston College Law School will always hold a special part of mine.

Honoring me here today in the name of a man made saint by my Church—a spirit that has transcended time as a symbol of glorious devotion and inner good—is a gesture I will treasure until the day I, too, pass to God's grace.

It is with humble, sincere thanks and great honor that I accept this award today. I owe a great debt to this institution and feel so very proud that you feel I have served your heritage well.

Your gesture is one I shall never forget. Thank you all—from the bottom of my heart.

UNITED STATES GULF POLICY AFTER WAR WITH IRAQ

Mr. ADAMS. Mr. President, today, as more than 1 million American and Iraqi troops face each other in the sands of the Middle East, the primary concern of Congress and the American people has been if and when a costly and bloody ground war will begin. Too little time has been spent on what United States policy toward the Middle East should be after war with Iraq has ended.

For this reason, I commend to my colleagues remarks I made on Tuesday, February 12, before the Northwest Ethics Coalition in Seattle, WA. My comments focus on what direction U.S. policy should undertake to ensure that the new world order becomes permanent in a post-Desert Storm Persian Gulf.

First, the United States should no longer select our allies on the basis of whether they are enemies of our enemies. Second, we should begin working for a regional arms control agreement in the Middle East, based on reducing conventional and nonconventional stockpiles and sales in the region and on the mutual recognition of the existence and mutual assurance of the security of all nations by each state in the region. Finally, we should recognize that the battles of the new order will be primarily economic and that we should help address the root economic causes underlying regional conflicts in the Middle East and other troubled spots around the world.

I offer these comments in the hope that they may begin to shape debate on U.S. policy in the Middle East in the aftermath of our war with Saddam Hussein.

I ask unanimous consent that the text of my address be printed in the RECORD.

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

ADDRESS BY SENATOR BROCK ADAMS, NORTHWEST ETHICS COALITION, FEBRUARY 12, 1991

Thank you, Dr. Cole, for inviting me today. Ray, it is so good to see you again, old friend.

When Ray asked that I come to speak with you, I wondered what would be an appropriate topic within the ethics arena. The notification Ray sent out suggests that "Ethical and Economic Issues in the Gulf War" is the topic of today's address. I'd prefer instead to focus on not just the ethical but the political issues of U.S. policy in the aftermath of the war in the gulf.

I'm certain that by now you are all aware of my views on the war. In early January, I worked with my colleague from Iowa, TOM HARKIN, in forcing the Senate to vote on the question of war before the bullets started to fly in the gulf. I took this step because I believed that Congress had the moral and ethical responsibility to exercise its right under the constitution to determine whether our country should go to war.

I felt at the time that continued reliance on sanctions as the best means of removing Iraqi forces from Kuwait. I still do; but a majority of Congress voted in support of the use of force, and the President went to war. Now that hostilities have begun, I join with the Congress and the American people in support of the American troops in the gulf, and united in prayer for their quick and safe return.

Today, more than 500,000 American troops stand poised to embark on a ground war to force Iraqi troops from Kuwait, and to support, in the President's words, a new world order. This new order embodies Mr. Bush's vision of a peaceful world, policed by the United States, with force if necessary.

This vision of a new order is not a new one for Presidents in this century. Woodrow Wilson thought the League of Nations would create a new order in the aftermath of World War I, but American isolationism thwarted his dream.

Franklin Roosevelt hoped the United Nations would lay the foundation for a peaceful world after World War II. The cold war and the superpower rivalry between the United States and Soviet Union stymied that ideal.

Today, after the fall of the Berlin wall, and the end of the Soviet Union as a military rival, the United States has an historic opportunity to make the dream of a new world order a reality, but this new order must be more than just a slogan to win popular support for war.

If we are truly serious about achieving the goal of a new world order, then the means we use to attain this order should be just as moral and principled as the goal itself.

We should be prepared to disarm aggressor nations, as we now are willing to use arms to punish their aggression.

We should be just as concerned with preserving the peace, as we now are with winning the war.

And we must not only punish injustice, we must promote justice.

If we have any hope for instituting a new order, then we must first re-order our priorities.

First, we should no longer select our allies on the basis of whether they are the enemies of our enemy. Our policy toward Iraq is the most immediate example of this miscalculation.

During Iraq's eight year war with Iran, first the Reagan and then the Bush administration tilted toward Saddam Hussein. When compared with our mortal enemy at the time, Iran, the United States viewed Hussein as the lesser of two evils and as a useful, geopolitical device which needed to be strengthened to bring Iran into check.

Two years ago, the United States risked American lives to reflag Kuwaiti tankers, which at the time were supplying Iraq in its war with Iran. Even after an Iraqi missile struck the U.S. *Stark* and killed 37 American sailors, President Reagan still maintained the reflagging policy.

When Hussein used poison gas against his own people, in violation of international law, the Reagan administration did nothing.

Just a week before Iraq invaded Kuwait, the Bush administration vehemently opposed congressional efforts to impose sanctions against Hussein.

Today we are experiencing the long-term consequences of decades of short-term miscalculations of temporary convenience.

These miscalculations continue.

In order to defeat Hussein, the United States now treats as its ally Hafez Assad, a man who reportedly sponsors and encourages such acts of terrorism as the 1983 bombing of the U.S. Marine barracks where 241 Americans were killed.

And to preserve the anti-Hussein alliance, the President has moderated his criticism of Soviet repression in the Baltics, and has all but forgotten the massacre in Tiananmen Square and the ongoing repression by the Chinese government.

If the U.S. wants to be the world's moral policeman, then we must condemn human rights violations by our friends and our enemies alike. We must be just as vehement in opposing the murders of priests in El Salvador, as we are in condemning Iraqi abuses in Kuwait.

Second, if we are serious about halting aggression by outlaw nations, we should stop arming them.

Iraq, again, is an example of the long-term consequences of our short-sighted policies. We know, of course, that the Soviets supplied Hussein with Scuds. But are you aware that the French sold Iraq exocet missiles? That Italians built some of his ships. That West German companies supplied him the

equipment and technology to develop his chemical weapons plants.

And that during the Iran-Iraq war, the United States shared with Hussein our military intelligence.

The terrorist and outlaw nations of today were all armed and trained by the Soviets, the U.S. or their allies. For the developed, arm-supplying countries, these were the policies of the Cold War. For the past forty-five years, the United States and the Soviet Union, in pursuit of their bitter cold war rivalry, bought loyalty with whatever lethal weapons they had to offer, sell, or give away.

In an era when our defense against the Soviet Union was paramount and the arms race was viewed as the only means of preserving our security, simple economics sent us looking for arms buyers, to reduce the costs of arms production in order to achieve economies of scale. The logic of the marketplace of destruction motivated our allies and our rivals alike.

Since the mid 1970s, the United States has exported \$10 to \$20 billion worth of military equipment annually. Even in 1989, the year that marked the beginning of the end of the Cold War, U.S. companies sold over \$15 billion in armaments to more than 130 nations, primarily in deals brokered by the Pentagon.

Ironically, these costly and immoral arms sales, which have fueled regional conflicts around the world, now threaten global stability, after we and the Soviets have at long last, consigned the cold war to history.

So far, the administration has yet to learn this lesson. As late as this month, the President resists passing a provision that would impose sanctions on countries that failed to control the export of chemical weapons technology to outlaw nations such as Iraq. After the invasion of Kuwait, the administration would have added to the Mideast arms race by selling \$13 billion in advanced weaponry to the Saudis.

Now that the Soviet threat is so obviously in decline, when the Soviet Union is an ally in our coalition against Hussein, the time is ripe to begin negotiating an ironclad, absolute prohibition on the sale or gift of weapons of mass destruction to the developing world.

The former Cold War rivals should take the lead in developing a multilateral approach to implementing controls on the transfer of nuclear, chemical and conventional arms.

A U.S.-Soviet approach could build on existing agreements such as the Nuclear Non-proliferation Treaty and the Missile Technology Control Regime. Arms control discussions could be expanded to include a ban on exports to conflict areas; limits on arms technology sales; further restrictions on the exports of technologies with applications to nuclear-weapons and ballistic-missile development; and regional limits on high-tech conventional weapons.

Throughout the Cold War, the United States has been not just the world's policeman, we've been one of its leading arms merchants. If we're serious about forging a new world order, then the U.S. should begin weaning itself from its arms-sales addiction and start playing a leadership role in limiting arms exports.

Finally, the United States must accept that the battles of new world will be fought in the marketplace, not just on the battlefield.

Likewise, we must begin tackling the root economic causes underlying regional conflicts.

In the Middle East, for example, one of the major causes of instability is the incredible

gap between rich and poor nations. This inequity is constant ammunition for radical fundamentalists as well as demagogues like Hussein.

When this war is over, Saudi Arabia, Kuwait and other oil-rich sheikdoms have a responsibility to provide massive economic development assistance to their poorer Arab neighbors. The U.S. should encourage this project, but we shouldn't finance it.

Simply because we can't afford to. The U.S. has emerged from the Cold War as the world's mightiest military power as witnessed by the massive deployment of U.S. forces in the Gulf. But while we have the military might, we don't have the economic power to finance it. Instead, the U.S. has to rely on foreign pledges to pay for Operation Desert Storm.

Much has changed since 1945. The United States emerged from WWII in a stronger economic condition than we entered that conflict. We invested more than \$10 trillion to guarantee the survival of the West and Western values. We could provide the political leadership to rebuild European and Asian economies because we were the world's foremost economic power.

That is not the case today. The U.S. has emerged from the Cold War in a weaker economic position relative to other industrialized powers. Today, largely because of the twin budget and trade deficits amassed during the Reagan presidency, our economic stability depends on foreign capital. Japan and Germany—not the U.S.—have emerged as the real winners of the Cold War.

Today, we marvel at the success of our Patriot missiles and high-tech bombs in the Persian Gulf. The weapons are American-made, but the VCRs which display these successful strikes at Pentagon briefings are all made in Japan. As George Will has said, "A superpower excels at the production of Patriots and Tomahawks, not cars and VCRs . . . But a superpower that expects to remain a superpower, had better be able to do both."

We can't expect to police this new world order while our economic house is in disorder.

That may not be an ethical or moral lesson, but it surely is a pragmatic one.

Walter Lippman once said, "A policy is bound to fail which deliberately violates our pledges and principles, our treaties and our laws, because the American conscience is a reality."

Far too often in our recent past, U.S. policy has been paralyzed and confused because it has forgotten that our real strength comes not from the barrel of a gun but from our ideals and our example.

Just as we cannot abandon our values—respect for human rights, defense of democracy, and promotion of social justice, we must not forget that our political strength also derives from our economic well-being.

To make this new order a reality, we must accept the economic realities of the new world, while respecting the values and ideals of the old one.

And we must begin changing course now, before it's too late.

TRIBUTE TO SILVIO CONTE

Mr. ADAMS. Mr. President, I take this time to pay my respects to a colleague, SILVIO CONTE, with whom I served for nearly 30 years. He was a wonderful man, a passionate man, a person who had done so much both for his country and for his native State of

Massachusetts. It is hard for us to express all of our feelings about him. He was not just a great man. He was also a warm and passionate man, whose interests ranged all the way from managing a congressional baseball team to handling the most complex problems that came before the House Committee on Appropriations, where he was for many years its ranking member.

I have a warm and deep feeling for SILVIO. And I want to take this moment to recount a running joke we had with one another about reforming the old Bull Moose party. But we never could elect a chairman because there were only two of us in it; and we both voted for ourselves.

I hope his family understands how much we cared for him and how much we shall miss him, his bright smile, his good humor, and his legislative skills.

I took the floor today because I believe that we should remember SILVIO in the Senate. I know he is being remembered in the House and by members of the Massachusetts delegation. I extend to his family my condolences, my remembrances, and my best wishes.

DR. FRANK A. ROSE

Mr. SHELBY. Mr. President, I rise today to honor the life and legacy of one of the Nation's great leaders, Dr. Frank A. Rose. Dr. Rose, former president of the University of Alabama, died February 1 in Washington, DC.

Dr. Rose's 70 years were characterized by remarkable accomplishments. He was the president of the University of Alabama from 1958 to 1969. In 1963, during a period of national social unrest, Dr. Rose led the university into a new era. He used his polished diplomatic skills to keep order on the campus while simultaneously overseeing the successful racial integration of the University of Alabama without the stain of violence.

Dr. Rose was instrumental to the University of Alabama's ascent to national prominence. He led the university through a period of unprecedented financial growth and expansion. During Dr. Rose's tenure, the campus enrollment grew by about 8,000 students and the university's assets nearly tripled. He instigated the development of campuses in Huntsville and Birmingham and worked to improve the quality of instruction. Dr. Rose believed the strength of the faculty determined the excellence of the institution. Understanding the need for leadership outside of the classroom, Dr. Rose hired the immortal Paul "Bear" Bryant to coach the Crimson Tide football team. Coach Bryant's Alabama teams went on to win three national championships during Dr. Rose's tenure and the University of Alabama became a national model for unity and spirit. As Dr. Rose liked to tell skeptics, "character is not built by a losing team."

Away from the university, Dr. Rose was no less committed to public service. He was active in the Salk Institute for Biological Studies, and served on the executive committees of the National Association of State Universities and Land Grant Colleges, and Reading Is Fundamental. Dr. Rose was also an ordained Christian minister and a pastor in the Disciples of Christ Church. He was on the board of directors of the March of Dimes, and chaired the board of visitors of the U.S. Military Academy at West Point.

One of the great visionaries of the era, Dr. Frank A. Rose will be sorely missed. He was a leader for the turbulent sixties and his guidance helped to shape the University of Alabama as a shining success story for the Nation. My thoughts and prayers are with his wife of 48 years Tommye Anita, and their four children, Susan, Frank Anthony, Julian, and Elizabeth.

LEROY HOFFMAN

Mr. PRESSLER. Mr. President, I would like to share with my colleagues an excellent article about the late LeRoy Hoffman written by Terry Woster for the Sioux Falls Argus Leader. LeRoy was born and raised near Eureka, SD. After a very successful career as an opera singer, he returned to his hometown and funneled his energies into serving Eureka and the State of South Dakota as a member of the State legislature.

I met LeRoy many years ago when I first ran for Congress. What impressed me about him was not only his knowledge of the issues of the day and his honesty, but also his unselfishness and strong desire to give something back to his community and to his State. He made great contributions to South Dakota. Mr. President, I ask unanimous consent that the article on Mr. Hoffman be printed in the RECORD following my remarks.

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

[From the Sioux Falls (SD) Argus Leader, Feb. 3, 1991]

EX-GOVERNOR LED STATE IN GRACE, SONG
(By Terry Woster)

He came to the South Dakota Legislature from Eureka, by way of the grand opera houses of Europe.

When he stood in the Senate to lead his colleagues in Happy Birthday, his baritone voice rattled the stained-glass panels in the ceiling of the old chamber.

His name was LeRoy G. Hoffman, Republican from McPherson County.

It's common legislative courtesy to refer to members of the Senate or House of Representatives as ladies and gentlemen. Everyone does it.

LeRoy Hoffman transformed that simple courtesy into a lifestyle.

No man or woman in the past two decades has brought more courtliness or sense of mannerly behavior to the halls of the Capitol.

When he stood to seek recognition from the Senate's presiding officer, his "Mr. President," rolled richly off his tongue and turned heads, instantly silencing the galleries filled with giggling school students on their field trip to the seat of government.

Granted permission to address his fellow senators, he invariably began with a "Thank you, Mr. President," that sounded as if it came directly from the heart that lay deep within his broad chest.

Hoffman's gracious, Old World ways were refined, perhaps, through his contacts with the world of opera, both in this country and abroad.

He lived in the agricultural country of north central South Dakota and easily won two Senate terms on votes of smalltown merchants and black-land farmers, but he was equally at home in a conversation about the special problems of Vienna, S.D., or Vienna, Austria.

He gave the appearance of royalty, not with the haughtiness of a king or cardinal, but certainly with the ease of a nobleman accustomed to functioning in the presence of all the crowned heads.

His black-rimmed glasses were windows to dark, examining eyes, and his hair was carefully combed back from his high forehead. He dressed conservatively favoring suits in a range of grays, faintly patterned and perfectly knotted ties and crisply starched white shirts in an age of wild colors, broad stripes and shouting patterns.

He was wealthy, it's true. During his unsuccessful campaign for the Republican nomination for governor in 1978, he allowed that his net worth was something in the neighborhood of \$1 million or so.

That campaign came in the reform-minded days after Watergate, and South Dakotans weren't used to anyone running for office who admitted he had money.

In a news story for the Associated Press, I once called Hoffman a "self-admitted millionaire," a phrase that earned me a scolding letter from former Aberdeen editor Del Griffin, who wondered when it became a crime to be successful and whether I might next refer to one or the other of the candidates as a self-confessed pauper.

Hoffman, gracious as ever, didn't scold. He simply suggested that the size of a bank account didn't affect how well a candidate could see the dire needs of small towns and farms or hear the cries of single parents and jobless laborers.

Bill Janklow won the GOP nomination for governor in 1978 and went on to serve two terms. The gentleman from Eureka with the baritone voice went home. Two years later, he was dead of cancer.

The other day, Lt. Gov. Walt Miller was casting about for a lawmaker to lead singing on Democrat Sen. Roger McKellip's birthday. No one offered. Someone will emerge as session continues. They always do.

Over the years, a number of strong voices have led the birthday tradition.

Only once, though, did a voice shake the ceiling.

TRIBUTE TO MICHAEL H. LAJUENE

Mr. KASTEN. Mr. President, I rise today in order to praise and honor Mr. Michael H. LaJuene, this year's recipient of the Federal Aviation Administration's Handicapped Employee of the Year Award.

In 1984, Mr. LaJuene sustained spinal cord injury while diving into shallow

water. Michael is paralyzed from the chest down with little or no functioning of his hands or legs. During his 15 months of extensive rehabilitation, he never gave up hope—he maintained his drive and determination to return to work and get back into life's mainstream. One of his main goals was to be an asset to society, not a liability.

Mr. President, Michael is a proven asset to society. Since returning to his job as an air traffic control assistant at Milwaukee's Mitchell Field Air Tower in October 1985, Michael has progressed to the position of facility training instructor.

In addition to his exceptional performance at his regular job, Michael also manages to provide a great deal of other service to the community. He is the spokesperson for the Combined Federal Campaign in southeastern Wisconsin. He is the President of the National Spinal Cord Injury Association—Greater Milwaukee Area Chapter. He is also the chairman for the Wheels & Heels Run for spinal cord research. He travels to area schools, speaking to students about water safety, relating to the story of his own personal tragedy to help prevent the same thing from happening to them.

I am proud to share with my colleagues the example of a young man who continues to "beat the odds."

LADY LIBERTY

Mr. SASSER. Mr. President, the rising voice of support for our American troops in the Persian Gulf is being heard around the country. That voice may be strongest in Cleveland, TN, where Mr. Steve Lamb has written a song entitled "Lady Liberty," which his niece, Mrs. Amanda McGee, has performed at several "Support the Troop" rallies around the State of Tennessee. This comes as no surprise to me since southeast Tennessee, and especially Cleveland, continues to be one of the most patriotic areas of the United States.

The Statue of Liberty stands for the values all Americans hold dear—freedom, liberty, and democracy. In the true spirit of patriotism, this song expresses the hopes of Lady Liberty as she conveys to the troops our pride and appreciation for their sacrifice in support of freedom. Mr. President, I am proud to enter the words of "Lady Liberty" into the CONGRESSIONAL RECORD as a tribute to Mr. Lamb, Mrs. McGee, but most importantly, to our men and women serving in Operation Desert Storm.

My soldier boys, you call me Liberty;
My soldier boys, I know you fight to keep us free;
So I wanted you to know that I've sent a guardian angel to watch over you—
To guide you through the desert storm,
My soldier boys, I'm oh, so proud of you.
My soldier boys, there's no need to fear,

My soldier boys, your guardian angel is near;
And I wanted you to know that America is proud of you,
We've hung our yellow ribbons as we wait at home for you,
'Cause you're our soldier boys, and we're oh, so proud of you;
Hey, soldier boys, we're oh, so proud of you.
My soldier boys, standing strong in the sand;
My soldier boys reach out and touch each other's hands;
You will feel the strength and know that no one can defeat you, God is on your side—
Our hearts are filled with pride,
You're our soldier boys, and we're oh, so proud of you;
Hey, soldier boys, we're oh, so proud of you.
My soldier boys, my sons of the red, white and blue;
My soldier boys, be brave, be strong, be true;
As the bombs flash in the night and the rockets red glares in the skies, the storm is, oh, so near, You must fight with all your might. You're America, you're liberty, you're the land of the free;
You're the pride of America on the land, air and sea;
'Cause you're our soldier boys, and we're oh, so proud of you.
Hey, soldier boys, we're oh, so proud of you.
And America stands up and sings, We're proud of our boys in the storm;
With flags held high, let freedom ring until you all come home;
And America kneels down and prays God keep you from all harm. 'Cause you're our soldier boys, and we're oh, so proud of you.
Hey, soldier boys, we're oh, so proud of you.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,166th day that Terry Anderson has been held captive in Lebanon.

On February 14, 1985, just over 6 years ago, Sis Levin learned that her husband, Jerry, was coming home. That after more than 11 months of captivity he was en route to Damascus and she might meet him in Frankfurt. To be sure, their reunion was joyous. But, even today, neither Jerry nor Sis is really free. And not until all of the hostages held in Lebanon come home, will they be.

The Levins have devoted considerable time and effort to teaching others about the hostage crisis, to encouraging communication and mutual understanding. For these efforts I commend them. And I pray that their tireless work will help to end this long ordeal.

ANDREW A. ATHENS, RECIPIENT OF 1991 ATHENAGORAS AWARD FOR HUMAN RIGHTS

Mr. PELL. Mr. President, on February 23, 1991, the Order of St. Andrew the Apostle will present its 1991 Athenagoras Award for Human Rights to an individual who I have had the pleasure to know through the years, Mr. Andrew A. Athens.

This award, given annually by the Order of St. Andrew, is bestowed upon a person who has consistently exemplified, by action and dedication, his concern for the basic human rights of people around the world.

Mr. President, Mr. Athens, currently the national chairman of the United Hellenic American Congress in Chicago, IL, is a friend of many in the Congress. These Members of Congress know of his diligent efforts to promote better relations between the United States and the people of Greece and Cyprus.

As with the past recipients of the award, His Eminence Archbishop Iakovos, President Jimmy Carter, Mother Teresa, and New York University president and former Member of Congress John Brademas, the Athenagoras Award properly recognizes Andy's long history of dedication and effort for greater human rights and religious freedom.

Mr. President, it gives me great pleasure to have this opportunity to congratulate Andy Athens as he receives the prestigious 1991 Athenagoras Award for Human Rights for his many selfless accomplishments. I know that I, along with my colleagues, wish him well and hope for his continued success.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

OMNIBUS EXPORT AMENDMENTS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate bill 320, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 320) to reauthorize the Export Administration Act of 1979, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I am truly delighted that the Senate is now proceeding to consideration of the Omnibus Export Amendments Act of 1991. I am an original cosponsor of this bill, which is the same as the legislation in the conference report to accompany

H.R. 4653, the Omnibus Export Amendments Act of 1990, which was passed unanimously by the Congress last October. We are here considering this matter again because the President vetoed the conference bill last fall.

In his memorandum of disapproval, the President paid particular attention to the title of the bill enacting sanctions against the illegal use of chemical and biological weapons and commerce in materials for such weapons. The Senate bill which formed the basis for the compromise bill was approved by the Senate last May in a 92-0 vote.

Mr. President, this is crucially important legislation. It deals with a problem of central importance at this time—the spread of chemical and biological weapons. The sons, daughters and spouses of America are threatened as we speak by the possibility of attack with poison gas. This bill is designed to prevent the Saddam Husseins of the world from ever threatening us with such weapons.

In addition to the title dealing with chemical and biological weapons, the bill includes other legislation of particular importance to the Committee on Foreign Relations dealing with sanctions against Iraq and controls on transfers of missile technology. Let me explain.

MISSILE TECHNOLOGY

Mr. President, the situation in the gulf highlights the importance of strengthening United States and multilateral efforts to stem the proliferation of ballistic missiles. We have seen Iraqi Scud missiles launched against our soldiers and against the cities of our friends and allies.

Fortunately, very few of those attacks have been successful. Fortunately, the Patriot missile has proved successful in destroying most Scud missiles. Fortunately, the Scuds were not armed with weapons of mass destruction.

We should not, however, rely on good fortune to protect us. It is essential that the Congress provide a solid statutory basis for U.S. policy to control the spread of ballistic missiles. Title III of the Omnibus Export Amendments Act of 1990 does just that. As my colleagues may know, however, in substance it is already law; last year, a similar provision was passed by Congress as title XVII of the National Defense Authorization Act for fiscal year 1991.

Nonetheless, passage of the act is important to U.S. missile nonproliferation efforts. The conference report will repeal title XVII of the Defense Authorization Act and replace it with language that is substantively similar but which clarifies procedures for the referral of export license applications between the Departments of Commerce, State, and Defense. Further, the report clarifies the standard of knowledge where the legislation requires that exporters apply for licenses for any ex-

port which the exporter knows are destined for a missile facility in a nonadherent to the missile technology control regime.

Given that the broad strokes of the missile technology provisions in title III were discussed last year at the time of Senate action on the DOD authorization bill, I see no point in repeating that discussion. At this point I would only emphasize that the use of Scuds in the Persian Gulf is a stark reminder of the dangers of missile proliferation and a spur to all of us to do our utmost to prevent the proliferation of ballistic missiles.

IRAQ SANCTIONS

This bill includes as a separate title the Iraq International Law Compliance Act. It imposes comprehensive trade and financial sanctions against Iraq for its longstanding violations of international law. These violations precede the invasion of Kuwait and include the illegal use of poison gas in the Iran-Iraq war and against its own defenseless Kurdish citizens; the apparent development of biological weapons in violation of the convention banning such weapons; the ongoing effort to acquire nuclear weapons in violation of its obligations under the Nuclear Non-Proliferation Treaty; and numerous human rights violations, including extensive use of torture and murder against children. Such conduct places Iraq outside the pale of civilized nations.

Mr. President, the provisions of the Iraq International Law Compliance Act are similar to those of the Prevention of Genocide Act of 1988. With my distinguished ranking minority member, I introduced that legislation on September 8, 1988. It was intended as a dramatic response to Iraq's ongoing use of poison gas against defenseless Kurdish men, women, and children. It was intended to stop a crime of almost unspeakable proportions, the destruction of a people by use of poison gas. The Senate unanimously adopted the Prevention of Genocide Act on September 9, 1988.

Unfortunately, the Reagan administration vehemently opposed taking any action against Iraq because of its use of poison gas on the Kurds.

Neither the Reagan administration nor the Bush administration were willing to take any action whatsoever to punish Iraq for its numerous violations of international law. Even a week before the invasion of Kuwait the Bush administration strongly opposed the Iraq International Law Compliance Act as it passed the Senate.

I firmly believe that had we enacted the Prevention of Genocide Act as it passed the U.S. Senate 2 years ago, Iraq would have understood that crime does not pay. It would have understood that the world community is prepared to defend international law and human decency. It would have understood that

it cannot get away with aggression. Had we enacted that bill, our service men and women might not today be facing Iraqi forces on the Saudi-Kuwait border.

This legislation is a long overdue response to Iraqi contempt for international law and the rules of civilized people. I hope that the Senate will give this legislation final approval. I only wish it had been done sooner.

CHEMICAL AND BIOLOGICAL WEAPONS

The underlying and simple message of the chemical and biological weapons bill is that the United States, which has forsworn the use of chemical and biological weapons, will do its utmost to erect effective barriers against the illegal use of chemical and biological weapons and against illicit commerce that contributes to the development of these weapons.

The chemical weapons title has two major purposes:

To establish sanctions against countries that use chemical and biological weapons in violation of international law or use lethal chemical or biological weapons against their own citizens.

To establish sanctions against foreign companies that assist certain countries in acquiring a chemical or biological weapons capability.

These are the principal provisions of the chemical weapons title:

Whenever information becomes available that a country may have used chemical or biological weapons, the President shall, within 60 days, make a determination as to whether such weapons have been used by a nation in violation of international law or against its own citizens.

Not later than 60 days after receipt of a request by the chairmen of the Senate Foreign Relations Committee or the House Foreign Affairs Committee, acting after consultation with the ranking minority members, the President must report back to the committees as to whether a country has used such weapons.

If the President determines that a country has used chemical or biological weapons in violation of international law or has used lethal chemical weapons or biological weapons against its own citizens, the President shall impose specific sanctions.

A country sanctioned for chemical or biological weapons use would automatically face immediate imposition of at least 6 of these 11 sanctions and subsequent imposition of a seventh sanction if the illegal behavior continues:

Termination of U.S. assistance under the Foreign Assistance Act of 1961;

Termination of U.S. Government or commercial arms sales;

Termination of arms sales financing; U.S. opposition to loans by international financial institutions;

Denial of U.S. Government credit including credit through the U.S. Eximbank;

Prohibition of loans or credit from U.S. banks;

Prohibition of the export of controlled dual-use goods and technology;

Prohibition of the export of other goods and technology;

Restrictions on imports from the sanctioned nation;

Downgrading or suspension of diplomatic relations; and

Termination of landing rights in the United States.

There are appropriate exceptions for humanitarian assistance, food and agricultural products. Provision is made for contract sanctity.

The sanctions must remain in effect for at least one year before being waived or removed unless there has been a fundamental change in leadership and policy in the country that used chemical weapons.

Sanctions would be imposed on foreign companies which knowingly and materially contribute to efforts to use, develop, produce, stockpile or otherwise acquire chemical or biological weapons by any country that the President has determined has since January 1, 1980—

Used chemical or biological weapons in violation of international law;

Used lethal chemical or biological weapons against its own nationals;

Made substantial preparations to do the described activities; and

Been designated pursuant to section 6(j) of the Export Administration Act of 1979 as a country which supports international terrorism.

Sanctions would include:

A prohibition on U.S. Government procurement of goods and services from the sanctioned company; and

A prohibition on imports of that company's products.

The President may waive these sanctions if he determines that the government with jurisdiction over the company involved has taken specific and effective actions, including appropriate penalties, to terminate involvement.

The sanctions could be terminated by the President after 1 year if all proscribed activities have ceased. A Presidential waiver is allowed after sanctions have been in effect for a year.

The President is not required to apply sanctions in the case of existing contracts; certain defense procurement; purchases of spare parts and necessary servicing and maintenance, essential information and technology, medical and other humanitarian items.

Mr. President, all of these provisions were discussed at length with the administration and with the House in devising the compromise.

Unfortunately, throughout this process the President's advisors have chosen to focus their attention on the narrow issue of Presidential prerogative and not on the far more important goal of preventing the illegal use of chemical and biological weapons and setting

penalties against companies involved in chemical and biological weapons proliferation.

In his memorandum of disapproval, the President said that the legislation would "unduly interfere with the President's authority in carrying out foreign policy." The President announced he was issuing an Executive order that, unlike this bill, would give the President the necessary flexibility in implementing sanctions and penalties.

Mr. President, a reading of the November 16 Executive order indicated that necessary flexibility meant, simply, the ability to do nothing. The Executive order allows the Secretary of State to avoid imposition of sanctions or to terminate them if a company aiding and abetting a particular nation's quest for chemical and biological weapons ceases that activity. In other words, an offending company could ship all of the dangerous equipment for a chemical weapons plant and avoid penalty if the shipments were finished before discovery. By contrast, the bill requires sanctions for at least a year. I trust the Senate understands the crucial importance of deterring and punishing those whose greed overrides any morality which would deter them from these reprehensible activities.

With regard to sanctions against use, the Executive order allows the Secretary of State to forgo the application of sanctions "due to significant foreign policy or national security reasons." My fellow Senators know what that means. It means that the most disgusting regime on Earth could gas thousands of people—could even commit genocide—and the act would be excused if the Secretary was convinced that imposition of sanctions might have a bad effect on relations with that country.

There are other problems with the Executive order. Unlike the bill, under the Executive order, company sanctions do not apply in cases of countries repeatedly providing support for acts of terrorism. Unlike the bill, the company sanctions would only be triggered by commerce with countries which have illegally used chemical or biological or made substantial preparations to do so after the date of the Executive order—November 16, 1990. Shipments to a country that used chemical weapons prior to the issuance of the Executive order would not trigger any sanctions or penalties at all.

Finally Mr. President, I would point out that the bill erects sanctions against countries which use lethal chemical or biological weapons against their own nationals. The Executive order omits that coverage. Thus, under the Executive order, Saddam Hussein would not clearly have been penalized for his use of lethal chemical agents against the Kurds in 1988.

I am frankly disappointed in the administration's approach to date. It un-

derscores the importance of enactment of this legislation. This bill is consistent with the President's apparent goals with regard to chemical weapons, but it includes the necessary teeth to make certain that countries using chemical weapons illegally or against their own citizens face stiff sanctions. Moreover, it ensures that companies wanting to engage in illicit commerce in chemical and biological weapons are penalized severely.

Mr. President, poison gas was used to horrible and dreadful effect in World War I, and the world was so revolted by that action that it created the 1925 Geneva protocol. That protocol has been an important instrument in deterring the use of chemical weapons. In recent years, however, it has become increasingly clear that the Geneva protocol is simply not enough. We need this bill in place. We need to be tough on countries and companies that misbehave in regard to chemical weapons. With this bill as law, we would have proven to other nations that we are willing and able to assume leadership in the area of chemical and biological weapons control.

I would hope that the administration would have the wisdom to drop its unfortunate and unseemly opposition to the bill, cooperate in its enactment, and join in moving on to other critically important objectives such as achievement of a multilateral ban on the use, production, and stockpiling of chemical and biological agents.

I yield the floor.

The PRESIDENT pro tempore. What is the will of the Senate?

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. PELL). Without objection, it is so ordered.

Mr. SARBANES. Mr. President, shortly before the recess, consent was obtained on a motion to proceed to S. 320, and it was set for 3 p.m. this afternoon. The measure is now before the Senate, S. 320, the Omnibus Export Amendments Act of 1991.

This bill that is pending is identical to the conference report which accompanied H.R. 4653 which was passed unanimously by both the House and the Senate last October.

This legislation would reauthorize the Export Administration Act, a very important matter in and of itself. It would require the President, in a separate title, to impose controls and sanctions on the proliferation of chemical and biological weapons, and on the proliferation of missile technology. There

is a title that deals with export promotion which is to some extent related to the Export Administration Act. And there is a title that would impose economic sanctions against Iraq.

So we cover in this legislation reauthorization of the Export Administration Act, the matter which took a great deal of time and effort in the last Congress and interrelates to the actions taken by Cocom, an organization of which the United States and other industrial countries are members; export promotion; missile technology; chemical and biological weapons proliferation; and economic sanctions against Iraq.

Now, as I indicated, the legislation passed unanimously both Houses of the Congress last October. Despite this unanimous action by the Congress, we began to receive worrying reports that the administration or some of the President's advisers were recommending to the President he veto the conference report, primarily it appears on the grounds the legislation did not give the President complete and total discretion to waive sanctions against countries that use chemical weapons or complete and total discretion to waive sanctions against foreign companies that knowingly and materially assist in the proliferation of chemical weapons.

Now let me just repeat that. Under the legislation, an effort was made to give the President a certain amount of discretion in the application of sanctions, but the line was drawn as to whether, in those instances in which a country had used chemical weapons, it would be subjected to some sanctions. It was decided in favor of subjecting that country to sanctions. The President was given an opportunity to choose 6 sanctions from a list of 11. So he has discretion as to which sanctions to apply, but it was clear that some sanctions would have to be applied if a country used chemical weapons.

Let me be very clear what we are talking about. This is the use, by a country, of chemical weapons. And the question then is, how do you respond to that? And what was contained in the legislation was that you had to respond by applying at least some sanctions. The country could not, as it were, go scot free having employed chemical weapons.

With respect to companies which transferred chemical weapons, again the legislation said that those companies must be subjected to certain sanctions for 1 year, after which the President, if he judged it to be important in the national security interest of the United States, could then waive those sanctions.

When word was received that the President was thinking of vetoing this legislation, 79 Members of the Senate sent the President a letter on October

27 last year, and I want to quote from that letter in which he said:

DEAR MR. PRESIDENT: The Congress has enacted H.R. 4653, the Omnibus Export Amendments Act of 1990.

And S. 320 that is before us is identical to the legislation that was enacted then.

This legislation makes important changes in our export control policies to reflect rapid political changes in Eastern Europe, the growing challenge of chemical and missile proliferation, and the crisis in the Persian Gulf.

In preparing this legislation, the Congress worked closely with the administration to ensure that changes in export control policy were consistent with U.S. policy in Cocom. We labored to ensure that the new non-proliferation regimes created in law would be workable and effective, relying primarily on current multilateral mechanisms but using economic sanctions as a last resort. We made the Iraq sanctions title of the bill a strong statement of support for your policy in the gulf.

Despite our efforts, we now understand that some of your advisers are recommending a veto of the bill because of what they see as excessively limited Presidential discretion to waive sanctions in the chemical and biological weapons title of the bill. This is a very abstract judgment about Presidential discretion in foreign affairs. The real issue here, however, is how to respond effectively to the scourge of chemical weapons.

The sanctions provision of the chemical and biological weapons title are premised on Presidential discretion. The President must make the determination that a foreign company has knowingly assisted proliferation and not been punished, or that a country has actually used chemical weapons. Once a determination is made—

Namely, a determination that a foreign company has knowingly assisted proliferation; in other words, to make money, they have engaged in the chemical weapons trade and have not been punished, or that a country has actually used chemical weapons—once a determination is made in that respect—sanctions must be imposed for 1 year following which there is Presidential discretion to waive sanctions in the national security interest or if remedial action is taken.

The letter then went on to say:

This is not unfettered discretion, but it is certainly discretion as broad as that covering EAA sanctions in current law.

Then the letter states, and I think this is a key paragraph:

The only use of discretion broader than this—

Namely, the discretion given in the bill, we then go on to point out—

The only use of discretion broader than this would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment—

Because the absolute discretion that the administration was insisting upon and which then became the basis of the pocket veto was a discretion that only covered these two instances—a company selling chemical weapons or a country that has used chemical weap-

ons. The letter from the 79 Senators went on to say:

We reject the idea that there could ever be a diplomatic gain sufficient to justify a waiver in these circumstances.

It went on to close with this paragraph:

You have made eradication of chemical weapons a national priority, and you urged the Congress to pass sanctions legislation. We have answered—that call and believe a veto on these narrow grounds would be contrary to our shared commitment to eliminate chemical weapons. It is our intention to see tough sanctions enacted, if necessary by pursuing legislation in the 102d Congress. For all these reasons, we urge you to sign this legislation.

Mr. President, I want to underscore again that back in October we were at the end of a long legislative process of consideration in the committees on both the Senate and House side, enactment on the floor on both the Senate and House side, and then an extended and, on occasion, controversial conference committee. Throughout that process extensive efforts were made to consult with the administration on the substance of the matters before us. The administration in fact had a number of concerns with respect to the provisions in the Export Administration Act, and every effort was made to resolve those and I believe resolve them in a satisfactory fashion. But there was an unwillingness with respect to the application of sanctions for the use of chemical weapons to go so far as to give the President total discretion to waive those sanctions.

It was to underscore this position held here in the Senate, that that letter was sent to the President.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SARBANES. Mr. President, at the time that this was being considered, editorials appeared in both the Washington Post and the New York Times. I want to quote just briefly from those two editorials.

Mr. President, I ask unanimous consent that the full editorials be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. SARBANES. The Washington Post said:

President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.

Instead, some of the President's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to the presidential discretion. The bill, they claim, is an infringement on the President's constitutional power to conduct foreign policy.

The editorial goes on to say:

That is a gross exaggeration. The bill says that if a country uses these weapons—

Let me underscore that.

uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the President could lift those penalties.

Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the President could lift the ban. It's absurd to describe that as interference with the President's control of foreign policy.

This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas.

The editorial then goes on, and the full editorial will be included at the conclusion of my remarks.

The New York Times editorial said, and I just quote it briefly:

For years, the United States did nothing while Saddam Hussein used chemical weapons, first in his war with Iran and then against Iraq's Kurdish citizens. Now U.S. troops face a chemically armed Iraq in the desert and Congress is about to vote to impose mandatory sanctions on countries that produce, acquire or use chemical weapons. How can President Bush, or all people, be threatening to veto the bill?

Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

The editorial then goes on. The full editorial will be included at the end of my remarks.

Mr. President, I want to go back for just a moment to underscore the work that went into producing this legislation.

This was work on both sides of the aisle within the committee and on the floor of the Senate and in the conference. A lot of Members of this body, both on the Democratic and the Republican side, worked long and hard to bring this legislation to fruition. We initially, had, of course, the question of the reauthorization of the Export Administration Act by which the administration controls exports of high-technology goods with possible military applications to Eastern Europe and the Soviet Union. That act was due to expire last year—in fact it did expire

with the failure to pass a reauthorization because of the pocket veto.

The question of trade with Eastern Europe and the Soviet union is, of course, an important item on our agenda because of the dramatic changes which have been taking place in Eastern Europe over the past 12 to 18 months. We held extensive hearings on this matter. The subcommittee heard from both administration witnesses and the private sector on legislative changes needed to address the export control regime, and some very substantial changes were made in that export regime.

When the bill was considered here on the floor, a title was added by my distinguished colleagues, Senators PELL and HELMS, dealing with the proliferation of chemical and biological weapons. That is an issue on which both of those Senators have had a longstanding and consistent interest and their proposal was included in this legislation and is now title IV of the bill.

We also added on the floor of the Senate an amendment by Senator MACK of Florida and Senator GRAHAM of Florida extending the existing ban on trade with Cuba by United States companies to the foreign subsidiaries of those companies. The administration also in the message accompanying the pocket veto has expressed misgivings about that provision as well as misgivings about the mandatory sanctions.

As I said, the House at the same time was holding a long series of hearings, produced its own substantial modification of the Export Administration Act, and we then had a conference committee that was an extended and complex effort to reconcile the differences between the two bodies. At the time that the conference acted there was a general feeling on the part of, I think, all Senators and Members of the House that a very positive and constructive resolution had been achieved of the differences between the two bodies; that we had a piece of legislation that was worthy of support.

I think there was a considerable degree of satisfaction with the work that had been done and therefore there was considerable concern and, indeed, distress, when we learned of the expression of views by advisers to the President, of him not signing this legislation.

Of course this all occurred after the Congress went out of session and therefore there was not an opportunity for the legislation to be returned to the Congress in order for an override of the Presidential veto to be considered.

At the time, last November 9, there was a letter signed by 16 CEO's of our Nation's leading high-technology companies, urging the President to sign the conference report into law.

I ask unanimous consent that that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

(See exhibit 3.)

Mr. SARBANES. Within the past month I have received letters from the Computer and Business Equipment Manufacturers Association, the National Machine Tool Builders Association, and the American Electronics Association, urging repassage of this legislation by the Congress.

I ask unanimous consent that those letters also be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 4.)

Mr. SARBANES. Unfortunately, as I have indicated, Mr. President, despite all of this evidence and despite this very strong support for this legislation, the President chose to pocket veto the legislation last November 16. In a memorandum of disapproval issued by the President to accompany the pocket veto, the President asserted that mandatory sanctions unduly interfere with his constitutional responsibilities for carrying out our foreign policy.

Mr. President, I have earlier set out in some detail the limited nature of the situation under which the legislation would require mandatory sanctions. With respect to a country, it would have been that the country must have used chemical weapons, and even then we gave the President the discretion to choose from a list of sanctions which ones would be applied.

But the Congress did make the judgment that if a country uses chemical weapons, some sanctions ought to be applied. The discretion the administration, in effect, says was important enough for it to veto the bill was an absolute, total discretion in the President to waive any and all sanctions in a case in which a country had used chemical weapons.

There is a very important difference there. The congressional judgment is that if a country uses chemical weapons, it should be subjected to sanctions. The administration's position is that if a country uses chemical weapons, the President ought to have the discretion, if he chooses, not to subject that country to sanctions; in other words, to allow a country that uses chemical weapons to go unpunished in any way.

What kind of message does that send with respect to the effort to bring chemical weapons under control and to punish or to deter through punishment nations from using chemical weapons?

Similarly, the Congress made the judgment that if a foreign company—this is a private company—helped countries build chemical weapons then sanctions would be applied to that company. In other words, we are not going to let a company engage in the chemical weapons trade and go

unpunished. The President based a veto on the assertion that the executive ought to have full discretion to allow a company that engaged in the chemical weapons trade to escape without any punishment.

So this, of course, represents the important difference that seems to have emerged and on the basis of which the administration exercised a pocket veto. That veto did not come back to us because it was at the end of the session and the Congress had adjourned and, therefore, an opportunity to address a Presidential veto directly was never offered to the Congress.

Mr. President, among the powers specifically enumerated in the Constitution to the Congress is the power to regulate commerce with foreign nations. In the past, Congress has invoked this authority to simply cut off all aid or trade with particular countries.

Often, we give the administration a role in deciding whether to impose or lift sanctions, and in some previous instances, I think it can be reasonably argued that there has been less discretion for the President than was provided in this conference report. For example, under the so-called Toshiba provision of the Omnibus Trade and Competitiveness Act of 1988, where the President makes a determination that a foreign company has violated the Cocom agreement and this adversely affects the strategic balance of force, he is required to impose import and procurement sanctions on the company for at least 2 years. That was in the Toshiba case. We required the imposition of those sanctions for at least 2 years. Here, we require it for 1 year, and at the end of the 1 year, the President has the authority to lift the sanctions if he makes certain findings.

In his memorandum of disapproval that accompanied this pocket veto, the President announced he was issuing an executive order under the authority of the International Emergency Economic Powers Act, known as IEEPA, to implement actually portions of the chemical and biological weapons provision, and to continue export control enforcement. But very clearly this cannot take the place of legislative action.

In the first place, the executive actions of the President fall far short of implementing the policy changes contained in the legislation. Second, it is really inappropriate for the President to use broad emergency powers granted by the Congress under IEEPA for the routine administration of export controls or chemical weapon antiproliferation policy.

So, Mr. President, we find ourselves here today with S. 320 before us. It is the legislation as it came out of the conference committee last year and was sent to the White House. I understand that some amendments may be offered, including an amendment which

would give the President the power to waive sanctions, subject to a resolution of disapproval by the Congress.

The difficulty with that proposal is that a resolution of disapproval by the Congress could then be vetoed by the President. Of course, once vetoed by the President, it could not pass except by a supermajority in both Houses of the Congress. That really is not a compromise. That is simply giving the waiver authority under a different rubric, and I hope my colleagues will perceive it in that light.

Mr. President, I simply close by making the observation that the bill under consideration today is a carefully considered and balanced effort to address two of the most important issues confronting the United States: The proliferation of chemical and biological weapons, a matter on which the distinguished Senator from Rhode Island, Senator PELL, and the distinguished Senator from North Carolina, Senator HELMS, have done yeomen work in this body in addressing that issue. Where the difference comes down, as I now understand it, the whole premise of the President's refusal to sign the legislation is the desire to have full, total discretion to waive sanctions, even in those instances in which a country has used chemical weapons or in which a company has knowingly transferred chemical weapons with the likelihood of their use.

Of course, the other issue addressed here on which I was intimately involved in holding extensive hearings and producing the legislation was export controls on high technology trade with Eastern Europe and the Soviet Union. That is a difficult issue because we want to balance the need of U.S. exporters to compete internationally with the necessity of controlling exports of technology that might be used for military purposes. So you have to try to balance those two important concerns.

Mr. President, I close by urging my colleagues once again to adopt this legislation. It is good, well-reasoned, well-balanced legislation. It has broad support across the country.

I have put into the RECORD letters from a broad spectrum of the business community in support of this legislation, editorials from some of our leading journals in the country. I urge Members of the Senate to back S. 320 and let us move this legislation forward.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, October 27, 1990.

THE PRESIDENT,

The White House, Washington, DC.

DEAR MR. PRESIDENT: The Congress has enacted H.R. 4653, the Omnibus Export Amendments Act of 1990. This legislation makes important changes in our export control policies to reflect rapid political change in Eastern Europe, the growing challenge of chemi-

cal and missile proliferation, and the crisis in the Persian Gulf.

In preparing this legislation, the Congress worked closely with the Administration to ensure that changes in export control policy were consistent with U.S. policy in CoCom. We labored to ensure that the new non-proliferation regimes created in law would be workable and effective, relying primarily on current multilateral mechanisms but using economic sanctions as a last resort. We made the Iraq sanctions title of the bill a strong statement of support for your policy in the Gulf.

Despite our efforts, we now understand that some of your advisors are recommending a veto of the bill because of what they see as excessively limited Presidential discretion to waive sanctions in the chemical and biological weapons title of the bill. This is a very abstract judgment about Presidential discretion in foreign affairs. The real issue here, however, is how to respond effectively to the scourge of chemical weapons.

The sanctions provision of the CBW title are premised on Presidential discretion. The President must make the determination that a foreign company has knowingly assisted proliferation and not been punished, or that a country has actually used chemical weapons. Once a determination is made, sanctions must be imposed for one year following which there is Presidential discretion to waive sanctions in the national security interest or if remedial action is taken. This is not unfettered discretion but it is certainly discretion as broad as that covering EAA sanctions in current law.

The only use of discretion broader than this would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment. We reject the idea that there could ever be a diplomatic gain sufficient to justify a waiver in these circumstances.

You have made eradication of chemical weapons a national priority and you urged the Congress to pass sanctions legislation. We have answered that call and believe a veto on these narrow grounds would be contrary to our shared commitment to eliminate chemical weapons. It is our intention to see tough sanctions enacted, if necessary by pursuing legislation in the 102d Congress. For all these reasons, we urge you to sign this legislation.

Sincerely,

Paul Sarbanes, Don Riegle, Pete V. Domenici, Jesse Helms, Connie Mack, Orrin Hatch, Jake Garn, Alfonse D'Amato, Slade Gorton, John Heinz, Kit Bond, Arlen Specter,

Lloyd Bentsen, Barbara A. Mikulski, Dennis DeConcini, John Breaux, Alan Cranston, David Pryor, Daniel K. Inouye, Frank R. Lautenberg, Terry Sanford, Richard H. Bryan, Paul Simon, Fritz Hollings, Alan J. Dixon, John F. Kerry, Claiborne Pell, Bob Kerrey, Wendell Ford, J. Bennett Johnston, Bob Graham, Herb Kohl, Thomas Daschle, Albert Gore, Jr., Christopher J. Dodd, John D. Rockefeller IV, Dale Bumpers, Kent Conrad, Chuck Robb, Jeff Bingaman, John Glenn.

Patrick Leahy, Max Baucus, Brock Adams, Howard M. Metzbaum, Jim Sasser, Sam Nunn, Quentin N. Burdick, J. James Exon, Harry Reid, Ted Kennedy, Timothy E. Wirth, Carl Levin, Joe Biden, Joe Lieberman, Frank H. Murkowski, Jim McClure, Thad Cochran, Bob Dole, George Mitchell, Al Simpson, Chuck Grassley, Nancy

Landon Kassebaum, Steve Symms, Daniel Patrick Moynihan, Warren B. Rudman, John McCain, John Warner, Tom Harkin, Richard Shelby, Pete Wilson, Bob Kasten, Bill Bradley, Dave Durenberger, Mark O. Hatfield, Malcolm Wallop, Wyche Fowler, Jr., Bill Cohen, John Chafee.

EXHIBIT 2

[From the Washington Post, Nov. 4, 1990]

CHEMICAL WEAPONS

President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.

Instead, some of the President's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. The bill, they claim, is an infringement on the president's constitutional power to conduct foreign policy.

That's a gross exaggeration. The bill says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the president could lift those penalties. Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the president could lift the ban. It's absurd to describe that as interference with the president's control of foreign policy.

This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas. The German government also has reacted, tightening its restriction of suspect exports and sharply increasing the penalties for violating them. International cooperation to discourage these weapons is improving. A veto of the bill would suggest to all the wrong people that the United States was losing interest in the subject.

The breadth of congressional support for this bill is impressive. It passed the Senate 92 to 0, and 79 senators have now publicly urged him to sign it. But the president's lawyers are telling him that the next time an army uses poison gas, he might find it expedient to overlook the incident—as President Reagan overlooked the Iraqi use of gas, first on Iranian troops and then on Kurds who were Iraq's own people. In this bill Congress is saying that it doesn't want poison gas or biological warfare overlooked. That's what this quarrel is about, and this time Congress is right.

[From the New York Times, Nov. 10, 1990]

STANDING ON CEREMONY ON POISON GAS

For years the United States did nothing while Saddam Hussein used chemical weapons, first in his war with Iran and then against Iraq's Kurdish citizens. Now U.S. troops face a chemically armed Iraq in the desert and Congress is about to vote to im-

pose mandatory sanctions on countries that produce, acquire or use chemical weapons. How can President Bush, of all people, be threatening to veto the bill?

Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

Sanctions legislation has long bogged down in jurisdictional disputes between committees of Congress. Finally a House-Senate conference has agreed to appropriately tough sanctions in the Export Administration Act.

The act bars foreign companies that help countries develop chemical weapons from selling goods in the United States. Further, once the President determines that a country has used chemical or biological weapons, he must apply sanctions. The list of sanctions includes a cutoff of foreign and military aid, export and import restrictions and suspension of U.S. arms sales.

Mr. Baker says the bill limits administrative flexibility to impose or waive sanctions. But the President could waive sanctions after a year if he determined that was important for national security. In the meantime, mandatory sanctions would send a strong message that the U.S. is serious about curbing the spread of chemical weapons. This is a very good time to send such a message, and a very good cause to get serious about.

EXHIBIT 3

AMERICAN ELECTRONICS ASSOCIATION,

Washington, DC, November 9, 1990.

The PRESIDENT,

The White House, Washington, DC.

DEAR MR. PRESIDENT: We the undersigned CEOs are writing to recommend that you sign into law the Omnibus Export Amendments Act of 1990, HR 4653. The legislation amends the Export Administration Act to reflect European unification, the significant changes in Eastern Europe and the rapid advancement of technology.

While the bill is not perfect, it will allow the U.S. electronics and telecommunications companies to have a level playing field with our European and Japanese competitors. In particular, exports represent a significant source of revenue for our companies and it is imperative that we be able to export on par with our competitors. Furthermore, the majority of our trade is with U.S. allied nations and the Export Amendments Act will allow us increased flexibility in trading with these partners. Finally, our companies fuel the nation's economic growth. Enhancing our ability to export will strengthen the U.S. economy.

Mr. President, we urge you to sign HR 4653 into law.

Sincerely,

John F. Akers, Chairman, International Business Machines Corporation; Robert E. Allen, Chairman of the Board and CEO AT&T; Richard Ashcroft, President, International Imaging Systems; Joseph R. Canion, President and CEO, Compaq Computer Corporation; W.P. Conlin, President, CalComp; Charles E. Exley, Jr., Chairman and CEO, NCR; Joe Finney, President and CEO, International Converter; John C. Lewis, Chairman and CEO, Amdahl Corporation; Gordon E. Moore Chairman of the Board Intel.

Scott G. McNealy, President and CEO, Sun Microsystems, Inc.; Craig J. Mundie, President and COO, Alliant Computer Systems Corporation; Safi U. Qureshey, President, CEO and Co-Chairman, AST Research, Inc.; John A. Rollwagen, Chairman and CEO, Cray Research Inc.; Robert Saldich, President and CEO, Raychem Corporation; John Sculley, Chairman, President and CEO, Apple Computer, Inc.; Bob Stephens, President and CEO, Emulex Corporation; J. Richard Iverson, President and CEO, American Electronics Association.

EXHIBIT 4

COMPUTER AND BUSINESS
EQUIPMENT,
MANUFACTURERS ASSOCIATION,
Washington, DC, January 29, 1991.

Hon. PAUL S. SARBANES,
Chairman, International Finance and Monetary
Policy Subcommittee, U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: On behalf of the Com-
puter and Business Equipment Manufactur-
ers Association (CBEMA), I am writing to
thank you for your efforts to reauthorize the
Export Administration Act.

Like you, we were disappointed that the
President did not sign the legislation sent to
him in late 1990. However, we do believe the
actions he promised to take in his November
16 memo of disapproval will result in some
sound improvements to the export control
system, although much remains to be done.
Your work in bringing about these changes
is greatly appreciated.

In addition, while we were encouraged by
the actions of the White House, we do believe
it is essential that Congress renew the statu-
tory basis for the export control system. We
continue to support the measured and
thoughtful reforms contained in H.R. 4653,
legislation to reauthorize the Export Admin-
istration Act and urge its reauthorization in
the new Congress. Put simply, we believe that
the export control reforms in H.R. 4653 make
good sense.

Again, your work on this issue is very
much appreciated. We look forward to work-
ing with you in the 102nd Congress.

Sincerely,

JOHN L. PICKITT,
President.

NMTBA—THE ASSOCIATION
FOR MANUFACTURING TECHNOLOGY,
January 24, 1991.

Hon. PAUL S. SARBANES,
Chairman, Subcommittee on International Fi-
nance and Monetary Policy, Senate Bank-
ing, Housing and Urban Affairs Committee,
534 Dirksen Senate Office Building, Wash-
ington, DC.

DEAR MR. CHAIRMAN: As you know,
NMTBA—The Association For Manufactur-
ing Technology supported passage of the
Conference Report on H.R. 4653, the Omnibus
Export Administration Act of 1990. While it
was not all that we hoped it would be, we felt
that it went a long way towards solving a
number of the problems that have plagued
American Exporters in general, and the ma-
chine tool industry in particular, in recent
years.

Unfortunately, on November 16, 1990, the
President saw fit to veto this bill, deciding
instead to enforce export controls through
the authority granted in the International
Emergency Economic Powers Act.

We believe this decision was ill-advised.
While the bill did not achieve all of our ob-

jectives, last year's Omnibus Export Admin-
istration Act contained many badly needed
reforms that have been hammered out during
long hours of legislative bargaining. We be-
lieve it would be unnecessary, and indeed,
counterproductive to start again from
scratch in 1991. Thus, we urge you to resub-
mit the very same bill, H.R. 4653, in the 102nd
Congress and work towards its passage. Let
me assure you, Mr. Chairman, you can count
on the support of NMTBA—The Association
For Manufacturing Technology in that im-
portant effort.

With warm regards,
Sincerely,

ALBERT W. MOORE,
President.

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, February 6, 1991.
Hon. PAUL SARBANES,
Room 332 Dirksen, U.S. Senate, Washington,
DC.

DEAR SENATOR: We understand that the
Senate is prepared to act on the S. 320, which
would reauthorize the Export Administra-
tion Act (EAA). AEA worked closely with
the House and Senate on this issue and we
appreciate the hard work that went into the
conference report.

Even though we were disappointed that the
President did not sign the legislation sent to
him in late 1990, we believe his commitment
to address several issues outlined in his
memorandum of disapproval will result in
sound improvements in the system, if imple-
mented in an effective and timely manner.

Nonetheless, we do believe it is essential
that Congress renew the statutory basis for
the export control system. We continue to
support the limited and focused reforms con-
tained in the conference report, HR 4653
(Please see attached for our previous posi-
tions).

When S. 320 is brought to the floor for a
vote, we encourage you to resist amend-
ments that would serve to undermine the
conference report. In fact, should there be
substantial floor action, we would support
you in withdrawing the bill.

Sincerely,

J. RICHARD IVERSON,
President and CEO.

The PRESIDING OFFICER. The Sen-
ator from North Carolina.

Mr. HELMS. Mr. President, I thank
the Chair for recognizing me.

Let me commend my friend from
Maryland. I will try to underscore in
about 5 or 6 minutes what he said. I am
going to do it the easy way. They say
that a picture is worth a thousand
words. But this proposal sought by the
administration to eliminate the pen-
alties, or the possibility of penalties,
against the outrageous conduct by
some corporations just leaves me baf-
fled.

I have commended over and over
again the President of the United
States for his conduct of the Persian
Gulf war. But I disagree with him vehe-
mently, and I have told him so, and I
have told Brent Scowcroft so. I do not
understand the position of the adminis-
tration.

Let me do it with pictures, and I
hope the cameras can pick them up. I
have two photographs by the way, Mr.
President, and a drawing.

The first photograph shows the larg-
est poison gas production facility in
the Middle East. It is at Samarra, Iraq.
This an aerial photograph.

The second photograph shows the
largest germ warfare plant in the Mid-
dle East at Salman Pak, Iraq.

And then there is the drawing.

I will pause a moment so that those
who wish to examine it can examine it.

This drawing shows the largest bal-
listic missile development complex in
the Middle East. It is at a place called
Mosul in northern Iraq and goes by the
name the Saad 16 project.

The allied military briefers in the
gulf have stated over and over again
that Saddam's chemical, biological,
and ballistic missile centers have been
high priority targets. If that is accu-
rate—and I believe it is unquestionably
accurate—then it is very likely that
these three facilities have been turned
to rubble courtesy of the allied air
forces. I pray that that is so. I further
pray that no allied airman lost his life
in this effort.

Mr. President, these three facilities
were not built by the Iraqis. I hope this
fact will sink into the American people
and thereby to the administration.
These facilities which I have just illus-
trated were built by Germans. These
three facilities were stocked with the
finest equipment available from around
the world and, I am sorry to say, in-
cluding the United States.

Back on February 5, the Washington
Times had a brilliant editorial which
translates as "Friendly Fire" and de-
tails the activities of these German
firms. According to the editorial, the
German firm of Leybold sold to Iraq
special industrial furnaces useful for
the production of tank barrels and bal-
listic missiles. I understand that this
same German firm is competing
against an American company for an
aircraft engine contract.

Mr. President, the activities of Ger-
man firms do not stop at Iraq. Accord-
ing to a report from the German press
agency DPA, German firms are provid-
ing highly sophisticated measuring in-
struments and laser technology to
Colonel Qadhafi. The press agency re-
ports that Qadhafi is building, "the
biggest underground arsenal for chemi-
cal and nuclear weapons in the Middle
East." This is a project worth, by the
way, several billion dollars.

Let me review, in closing, the events
of almost exactly 2 years ago. At that
time the German Government was
greatly embarrassed by the revelations
that German firms had built Qadhafi's
poison gas facility at Rabta.

Do you remember, Mr. President, the
pious promises of reform and more con-
trol on German exports to these dicta-
torships in the Middle East? But what
are the facts? The facts are that noth-
ing has happened—nothing. These ex-
ports are going on and on and on.

Mr. President, I suggest the reasons the Germans are backing Libya is because the United States has failed to take strong, decisive action. Had we passed S. 320, 2 years ago, no German company which exports to the United States would have dared go back in business with Colonel Qadhafi. So that is the point that Senator SARBANES was eloquently making and that is the reason the legislation before us is vital to the national security of America. Unless we make some progress in controlling the exports by foreign companies to the dictatorships in the Third World, we will have to risk the lives of our young people again somewhere else and again to knock these mass weapons plants down. The risk to everyone is enormous, and that is why I respectfully disagree with the Commander in Chief, the President of the United States.

Senator GARN, with whom I seldom disagree—he is a fine Senator. He is my good friend. And, of course, I understand Senator GARN'S desire to see brought before the Senate concerns of the State Department and National Security Council—at a later time if and when Senator GARN offers his amendment, which is precisely what the administration wants, and which I think would be very unwise, we will discuss that at some length.

I thank the Chair for recognizing me, and I yield the floor.

Mr. LIEBERMAN. Mr. President, the world has changed dramatically in the last year, more dramatically than in any period since the end of the Second World War. The war in the gulf reminds us that the new world order we all hoped for last year is not yet a reality.

And while national security continues to be a question of military capability and preparedness, it is also becoming more and more a question of economic capability and preparedness. Our national strength and security are dependent on our ability to compete internationally, and one measure of our ability to compete is our balance of trade. We have made strides in improving our trade imbalance in the past few years, but our trade deficit is still around \$100 billion annually. We must do more to eliminate this deficit.

Our exporters cannot go it alone. The Federal Government has to assume a proactive role in helping them compete, and one way of doing that is to update our export control laws. The Senator from Maryland and the Banking Committee have made a good start toward achieving these goals with the legislation before us today.

I would like to talk about one aspect of this bill that is important to me and my constituents: putting into law a definition of a dual use item.

In trying to define a dual use item, the committee has taken a complex and often contentious problem and fashioned a compromise that moves to-

ward a more level playing field for U.S. exporters. The committee has also appreciated the need to remain diligent in the protection of America's security interests by keeping in place safeguards designed to prevent the exporting of defense sensitive technology.

But I wonder if the committee couldn't have gone a little further on the issue of dual use. A dual use item is an item that can be used for civilian and munitions purposes. The committee report language from last year on what constitutes a dual use item was helpful in providing for a separation between the Export Administration Act [EAA] and the Arms Export Control Act [AECA]. Senator GRAHAM'S excellent suggestions, because contained in the report, on how we might define dual use are extremely helpful as they attempt to create a clear distinction between the EAA and the AECA.

I still believe that there are two basic problems associated with dual use items, or commodity jurisdiction, as it is better known. First, the statutes and implementing regulations of the EAA and the AECA do not provide clear guidance as to which commodities are controlled by one act versus the other. Neither act provides definitions as to what products are under its control. This results in frequent commodity jurisdiction disputes.

Second, the EAA imposes an obligation to coordinate its controls with those under the AECA while there is no corresponding provision for AECA controls to be coordinated with Commerce. The practical effect of this asymmetry is that Commerce, which has primary authority in administering the EAA, defers and "rolls over" to the decisions of the State Department, which has been given primary responsibility for administering the AECA. As a consequence, there is a strong bias in favor of placing controversial items on the munitions list. Therefore, with a strong tendency for control, many of our truly dual use items are being inappropriately controlled, leading U.S. firms to lose markets to foreign competitors. In an era of fierce high technology competition, we cannot afford to constrain the environment for our companies and must allow them to freely compete.

As the multilateral civil export arena becomes increasingly liberalized, the differences between how we treat items caught in the grey area between the two acts will be dramatically highlighted. Therefore, the emphasis on procedures is more important than ever before. The U.S. tendency for using the munitions list as a basis for foreign policy sanctions already places U.S. high technology firms at a competitive disadvantage. We cannot afford to unilaterally control dual use items as munitions exports when those items are universally recognized as commercial items by our allies and

competitors. Changes should be made in the AECA and EAA in order to conform, clarify, and coordinate the authority of the two acts.

I would like to suggest the following definition in an attempt to clarify problems surrounding the definition of dual use:

(1) items that are not specially designed, developed, configured, adapted, or modified for military intelligence application;

(2) items designed, developed, configured, adapted, or modified for military and space application which are used in commercial or civil (nonmilitary/intelligence) applications;

(3) items used in defense articles and services where the performance or functionality or application is essentially equivalent to that found in the civil or commercial sector.

We have to begin to give our exporters a clear definition of what we mean by a dual use item, and we have to give Commerce clearer authority to determine whether such items fit the definition. It is ridiculous to give an exporter an export license from the Department of Commerce and then have Customs or the State Department stop the exporter because he does not have another license from State. This only confuses the exporter and places the burden and blame on him for not having guessed correctly as to where he should have gotten his export license. Often times, the delay causes the exporter the sale. Our exporters should not have to guess which is the right agency and then be penalized if they choose incorrectly. It should be understood that a license issued by Commerce is an official recognition of an item's dual use nature.

This problem is addressed in the committee report on S. 320 through the establishment of criteria by which Commerce can claim jurisdiction and authority over dual use products. I would like to see us take that a step further and write into law, as specifically as possible, what it is we mean by dual use, using the report language as a starting point. By doing this, we would help eliminate any confusion in the mind of the exporting community as to which items they can export.

The line between commercial and defense technology is becoming increasingly blurred. For example, a microchip may be used in a VCR and also used in defense related radar. This is dual use. It has a commercial and military application.

For example, GTE which is headquartered in Connecticut produces a variety of precision materials and ceramic products. One such product is a metallized ceramic ring which is incorporated into a variety of products ranging from magnetron tubes for microwave ovens to image intensifier tubes used in night vision devices. This small product—less than 1 percent by value of the tube it is incorporated into—has been categorized as a munitions list item in cases where the customer has simply asked for GTE to

produce the product to a particular dimension, even though the size distinction is not critical to a military function.

This is just one example of the need for clear distinction in the definition of what constitutes a munition item to be included in law and why we need a clear definition of dual use technology.

All too often, existing law engenders bureaucratic infighting and makes life particularly difficult for our high technology, aerospace, and defense exporters. Let me give you another example of a problem a company had as a result of the difficulties associated with commodity jurisdiction. This particular company manufactures fasteners, nuts and bolts, under a license from a European firm, which are also produced in Germany, France, and Japan. These fasteners are used in automobiles, railroads, and bridges, as well as to fasten aircraft skin to frames, and had for years been exported under a general destination license. Last year, during a routine inspection, Customs detained a shipment worth \$150,000 destined for the United Kingdom. Customs determined that the fasteners would be used in work related to fighter aircraft and asked whether a State munitions license was required. State responded that since the end-user was military, State had proper jurisdiction. Customs was instructed to seize the shipment. The exporter was then subject to a fine and notified that the item could only be exported as a munitions list item.

The company appealed to Commerce for a commodity classification, stating that while the fasteners met military specs, they were not designed for the military, had numerous civilian applications and were readily available worldwide. Commerce agreed. What followed was a lengthy and costly appeal through the highest levels of both agencies before State agreed that the shipment could be properly exported under a general destination license.

These are just two examples of the kind of problems that confront exporters. We are crippling industries that are important to the health of our Nation's economy. If we are to lower our trade deficit we must promote these industries' efforts to export to the fullest extent possible, not impede them.

There was a time in our Nation's history when trade was considered as a foreign aid program for our friends and allies. That time has passed. Now trade is vital to our economic future. It is time to take control of our economic destiny. It is time to protect our economic security by helping our Nation's exporters compete. We can't expect them to keep up with their foreign competitors if confusion over Government regulation puts them at a competitive disadvantage.

I, therefore, strongly encourage my colleagues on the Banking Committee to do all that they can to put a defini-

tion of dual use into law. This small step could have a major positive impact on the lessening of our trade deficit.

CHEMICAL AND BIOLOGICAL WEAPONS SANCTIONS

Mr. LIEBERMAN. Mr. President, the war against Iraq has driven home the transcendent importance of keeping weapons of mass destruction out of the hands of radical regimes and ruthless terrorists. The use of Iraqi chemical weapons against our troops may be imminent; the unleashing of biological agents is possible. These weapons could be delivered by ballistic missiles, aircraft, or artillery shells against our troops. Israeli and Saudi population centers are also in danger.

The Gulf war has shown us that the phrase "merchants of death" is not a cliché from a bygone era. European, Asian—and yes, sometimes American—firms have helped Iraq to build its chemical, biological, and nuclear weapons capabilities.

During the last 2 years, a series of hearings conducted by the Government Affairs Committee have emphasized to me the relative ease with which these merchants of death can ply their grisly trade. I salute Senators GLENN and ROTH for educating our Members and the public about the loopholes in our laws and regulations. All too often, all that is needed is money, persistence, and some expertise, and tyrants like Saddam Hussein can emerge as global threats.

As I said in this Chamber on March 29 of last year, "Ominous is the news that Iraq is seeking nuclear triggers as part of its program to develop atomic weapons. It already has missile capability. The combination of nuclear bombs and missiles in the Third World is potentially catastrophic."

The reauthorization of the Export Administration Act is an important step toward thwarting the designs of these new merchants of death. The act's use of America's economic leverage to penalize any firm or any country that traffics in, and uses, weapons of mass destruction should be effective.

This act may or will encourage our European allies to place these outlaw firms and nations on an international blacklist. But we must not stop there. We must also attempt to establish a series of regular consultations with the Soviets, Latin Americans, and Chinese about the spread by these countries of these deadly technologies. In short, the governments of the developed world must control the indifference and greed that have allowed their entrepreneurs to contribute to the proliferation of these deadly weapons.

We hope that this act will also encourage the world community to explore the feasibility of a worldwide ban on chemical weapons. Although ver-

ification problems would exist, they are not necessarily insurmountable.

The stakes are very high. In the First World War, over 1 million people, both soldiers and civilians, suffered casualties from chemical weapons. As an eyewitness described at the time:

Faces, arms, hands were a shiny gray-black. With mouths open and lead-glazed eyes, they were all swaying backwards and forwards trying to get their breaths, struggling, struggling for life.

During the war, deadly chemicals swept across Europe like rainclouds from Hell, acknowledging no boundaries. It is the responsibility of our generation to see that this never happens again.

These protective efforts must not be aimed solely at the protection of our troops. After the war, we will still be concerned about the possible use of these weapons against civilian centers in the United States. We have seen what happens when an accident occurs at a chemical plant—in Bhopal, India—where thousands were killed or maimed. One can imagine similar or even greater destruction if chemical weapons were intentionally released by terrorists in heavily populated areas. And the potential havoc from biological weapons is even greater. Water supplies, food, the very air that we breathe—all these necessities of life could be transformed into transmitters of deadly disease.

What is at stake is not just the integrity of the international legal system, but the survival of civilization itself. We must ostracize those political leaders and entrepreneurs of death who are purveyors of chemical and biological weapons. While we may not be able to prevent, let us at least limit the damage that war can inflict by consigning these weapons of mass destruction to the dustbin of history.

Mr. SASSER. Mr. President, I am pleased to be a cosponsor of the Omnibus Export Amendments Act of 1991, S. 320.

The ability of U.S. exporters to effectively participate in the world economy is crucial to our economy here at home. This bill makes important strides in updating the U.S. export control system to correspond with a shifting world order and with the increasing sophistication of technology, making U.S. firms more competitive in the global marketplace.

Mr. President, S. 320 carefully considers the economic needs and benefits of increased U.S. trade, but also is mindful of national security and foreign policy concerns. This legislation imposes sanctions on Iraq for its invasion of Kuwait and addresses the growing threat of chemical and biological warfare.

Increasing U.S. exports will facilitate the Nation's recovery from the current recession, helping the United States to regain its economic preeminence. The

Chairman of the President's Council of Economic Advisers, Dr. Michael Boskin, testified before the Senate Budget Committee recently that exports are "cushioning the effects of the recession." Furthermore, Dr. Boskin said that the administration recognizes trade as a key element to the Nation's economic recovery and that the President's policy goals "lead the world to expanded trade and more open markets."

United States trade policy for the cold war period focused on restricting the access to United States technology by Eastern Europe and the Soviet Union. Today, countries like Czechoslovakia and Poland are swiftly converting to democracies, and this bill responds to these developments. This legislation relaxes export controls to countries that take actions to protect Western technology and enables U.S. firms to effectively access and compete for market share in Eastern Europe, as well as other parts of the world.

Mr. President, it is important to note that many of the computer and telecommunication technologies that are restricted are indeed available from sources in other countries. By restricting U.S. companies to deal in these products, the United States is not eliminating access to such products, simply denying U.S. firms from competing in the market.

The current export control system limits the capability of U.S. exporters to compete in the global marketplace. The process for licensing can be so restrictive and time-consuming that many companies don't even enter the arena.

Under the current system, the same product may be controlled by the control list and the munitions list. This bill removes these duplicative restrictions. Furthermore, certain technologies on these lists once considered critical to national security or foreign policy no longer are. This bill establishes procedures for updating and periodically eliminating controls on outdated technologies as sophistication increases.

This legislation lifts certain product limitations but also recognizes that there is a need to keep certain technologies to ourselves. S. 320 gives the Defense Department the authority to review all export license applications to terrorist countries like Iran, Iraq, Syria, and Libya.

More open trade with our allies is good economic policy and also good foreign policy. S. 320 streamlines the process of licensing and works toward a license-free zone for exports with our allies on the Coordinating Committee on Multilateral Export Controls [Cocom]. This step follows through on agreements made by Cocom last June. These provisions will cut down on the time for trade with Cocom countries that results from the requirements of

validated licenses for certain goods and technical data.

This bill responds to the dynamic world. It imposes export sanctions on Iraq because of its invasion of Kuwait and its violation of international law for human rights. The Gulf War and Saddam Hussein's arsenal of chemical and biological weapons has brought to light the threat of these unconventional weapons. This bill includes a very timely provision regarding the proliferation of chemical and biological weapons.

S. 320 contains a strong provision for mandatory 1-year sanctions on countries or companies that contribute to the proliferation of chemical or biological weapons. It is the very strength of this provision that President Bush objected to and determined his pocket veto of the bill last year. I believe that we should be sending the strongest message possible around the world that chemical and biological weapons are intolerable.

Mr. President, the competition that U.S. exporters face is great. S. 320 provides a more level playing field for U.S. export firms in an international marketplace where oftentimes, their products are available from other countries more easily and with less bureaucracy. Increased exports will fight our trade deficit. And, the chemical and biological weapons provision will fight our war on the terror that these weapons present.

Mr. President, I urge the Congress to swiftly pass S. 320. It is foremost in our Nation's interests in deterring the all too real threat of chemical and biological weapons as well as in enabling U.S. firms to compete on an equal footing in the international economy.

AMENDMENT NO. 2

(Purpose: To amend the Omnibus Export Amendments Act of 1991 to include a provision for criminal and civil penalties for the production, transport, or use of biological or chemical weapons which kill, maim or injure U.S. nationals abroad)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . CRIMINAL AND CIVIL PENALTIES FOR PRODUCTION, TRANSPORT, OR USE OF BIOLOGICAL OR CHEMICAL WEAPONS WHICH KILL, MAIM OR INJURE U.S. NATIONALS ABROAD.

(1) Section 2331 of title 18, United States Code, is amended as follows:

(a) Delete the "and" at the end of subparagraph (3) and replace the period at the end of subparagraph (4)(C) with "; and";

(b) Add the following at the end of the section:

"(5) An act which knowingly and materially contributes to the production, transport, or use of biological or chemical weapons, or a component thereof, which kill, maim, or injure a national of the United States shall be considered an act of 'international terrorism' and shall not constitute an 'act of war.'"; and

(2) Section 2332 of title 18, United States Code, is amended as follows:

Delete the period at the end of subparagraph (e) and add instead the phrase "or constituted an act as defined in section 2331(5)."

Mr. SPECTER. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina [Mr. HELMS] be added as a cosponsor.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I discussed this amendment briefly with my distinguished colleague from North Carolina, and he stated his interest in becoming a cosponsor. I hope that foretells additional support.

Mr. President, earlier this afternoon I stated my intention to add this as an amendment. The amendment which I propose would expand the definition of terrorism to provide that production of biological and chemical weapons per se constitutes an act of terrorism whether or not there is an active state of war. This amendment further would criminalize transfer or development of chemical agents for use in biological and chemical weapons which would result in charging the individuals responsible for such transfer or development as accessories to terrorism.

The low cost, ease of delivery, and psychological effectiveness of using chemical or biological weapons has made them an increasingly viable option for many Third World countries. We are seeing the effect of chemical weapons and biological weapons in the hands of Iraq today as a major threat in the Gulf War.

Over 10 Third World nations now have chemical warfare programs including Iraq, Libya, and Syria. Half that number have biological warfare programs as well. Yet Iraq, Syria, and Libya are all signatories to both the Geneva protocol and the Biological Weapons Convention prohibiting the use of such weapons.

A recent study lists over 200 Western companies from 22 nations which helped Iraq and Libya with materials relating to nuclear, chemical, and biological weapons and missiles.

One reason why attempts to control this proliferation have been ineffective is that the international community has not found a way to put teeth into the international law. Even when we can prove that Western companies have supplied technology to a country like Iraq, which has used chemical weapons against its own unarmed civilians, we cannot persuade anyone to punish significantly either the users or the suppliers.

Government-to-government sanctions stated succinctly alone will not work because the political difficulties of pursuing those sanctions have been too difficult.

This amendment uses an expanded definition of terrorism and provides that the production of such biological and chemical weapons in and of itself constitutes an act of terrorism. This criminalizes the transfer or development of chemical agents for use in biological and chemical weapons.

This legislation differs from the legislation now pending in that it focuses on holding individuals rather than governments criminally liable for their actions. This amendment would complement the underlying legislation by focusing criminal and civil penalties on individuals whose actions are in violation of the harmonized list of export control rules and regulations called for in the bill.

Mr. President, the pending legislation stipulates that the President shall impose sanctions against a foreign person if that person has knowingly and materially contributed to efforts by any foreign country to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

Those sanctions are limited to, first, procurement sanctions, which means that the United States shall not procure or enter into any contract for the procurement of any goods or services from any such persons; and second, import sanctions, which provide that the United States shall not import products into the United States produced by such persons.

I suggest, Mr. President, that such sanctions are totally insufficient when compared to the criminal sanctions provided in this amendment. These sanctions would specify that if someone violates the law by providing such chemical or bacteriological warfare, and it involves the death of a U.S. citizen and that death involves murder in the first degree, then a life sentence could be imposed; similarly, strong penalties would apply for involuntary manslaughter or voluntary manslaughter or assault or maiming of U.S. citizens.

Therefore this amendment would build upon the pending legislation by giving the U.S. Government an additional option to pursue these criminal penalties. There are also civil penalties as well against the same individuals if

as the result of their action a U.S. citizen is killed, injured or maimed by chemical or biological weapons.

The pending legislation also states it is the policy of the United States to "adopt tougher multilateral sanctions against firms and individuals who violate controls on the export of chemical agents, precursors, and equipment."

To achieve that, the pending legislation recommends, first, a public unclassified warning list of controlled chemical agents, precursors, and equipment; second, information exchange of channels for unsuspected proliferants; and, third, a denial list of firms and individuals who violate the Australia Group's export control provisions.

This amendment, Mr. President, would use this information to establish culpability and/or intent in pursuing criminal or civil penalties against foreign individuals by showing these individuals did knowingly and materially violate export control laws.

The pending legislation further discusses countries of concern which it describes as—

Countries other than those with whose government the United States has entered into an arrangement for the control of goods or technology on the list mentioned above, or countries other than those which the Secretary of State and Secretary of Defense shall designate consistent with the purposes of the Chemical and Biological Weapons Control and Warfare Legislation Act of 1991.

The pending amendment would also use these criteria to specify culpability and/or intent by establishing that these foreign individuals did knowingly and materially contribute to the development of chemical and biological weapons for a country that used or would use those weapons to kill, injure, or maim U.S. civilians. This would apply since the use of these chemical or biological weapons would constitute terrorism and would not be covered by an act of war.

Mr. President, there has already been considerable debate about the structure of sanctions, how they would be imposed, and what the discretion would be of the administration in the imposition of the sanctions. But I suggest the criminal penalties which would make the violators subject to the criminal law of the United States would have a much more forceful effect and a much greater deterrent effect than talking about the sanctions which are in the pending legislation.

One of the principal concerns of this Senator has been the continuation of the proliferation of these chemicals, even after the sanctions have been imposed against Iraq and even after Iraq has invaded Kuwait.

Sunday's edition of the New York Times, February 17, 1991, page 15, succinctly summarizes the situation to this effect:

ARMS SALES TO IRAQ

The current issue of the magazine Stern reports that in 1980 and 1981, a consortium of

at least nine German concerns headed by the engineering and construction giant Thyssen Rhein Stahl Klauseln built a plant south of Baghdad at which poison gas and biological weapons were developed. Thyssen reportedly won the \$1 billion contract after pledging in writing that its corporate policy was to "boycott Israel economically and have no relations with Israel."

Another magazine, Der Spiegel, reported in this week's editions that a Cologne-based construction company called Strabag has sent about 70 shipments of equipment to Iraq since August, when the United Nations declared a trade embargo against the Government of Saddam Hussein. The shipments were said to have included tools, spare parts, chemicals for purifying water and even 500 gas masks.

Mr. President, there have been numerous reports which substantiate the malicious, premeditated, calculated sale of such chemicals, which are usable against U.S. citizens. When we talk about an effective remedy, it seems to this Senator that the criminal law is much more effective in dealing with this serious problem than the sanctions contained in this bill.

The United States has, in the course of the past decade, moved decisively to utilize the U.S. criminal law to impose tough penalties on those who attack, maim, murder, hijack, or kidnap our citizens abroad. This is called extraterritorial jurisdiction. The customary rule is that the jurisdiction where the offense occurs has the authority to try a criminal case. If, for example, a robbery occurs in the District of Columbia, it is triable in the District. If a homicide occurs in the Commonwealth of Pennsylvania, it is triable there. But it is recognized under international law, and under U.S. domestic law, that the U.S. courts would have jurisdiction over acts committed against U.S. citizens abroad, even outside of the territory of the jurisdiction of the United States, because there is the nexus with U.S. interests where U.S. citizens are victims. That was the basis for the assertion of extraterritorial jurisdiction in the Omnibus Crime Control Act of 1984, when it was made a violation of U.S. law for anyone to hijack a plane of U.S. citizens or to take U.S. citizens hostage. That was the same nexus used in the Terrorist Act of 1986, which makes it a violation of U.S. law to assault, maim, or murder a U.S. citizen anywhere in the world.

It was under this extraterritorial jurisdiction that Federal agents arrested a terrorist by the name of Fawaz Yunis on the Mediterranean Sea, brought him back to the United States, Washington, DC, where he was tried in the U.S. District Court for the District of Columbia, found guilty, and sentenced to 30 years in jail. As we speak, Fawaz Yunis is in a Federal penitentiary.

It is the concern of the Colombian drug cartels of possible prosecution and imprisonment in the United States which has led to significant changes in

the laws of Colombia to encourage surrenders, reduce penalties, and to promise no extradition to the United States. That policy, Mr. President, I suggest, is a very unwise policy for Colombia; but as a sovereign country, they can do as they choose. I believe that the United States is materially prejudiced by that change in Colombian policy, because there are suspects charged with murder in the United States, drug dealers, who will now not be extradited to the United States because of the change in Colombian policy.

While Colombia has the unquestioned right to act as it chooses on a matter of national sovereignty within its own jurisdiction, it is the view of this Senator that we ought to curtail our assistance to Colombia on the drug war and any foreign aid to Colombia, a subject which will come up at a later time on the Senate floor. But the action of the Colombian Government in modifying their drug laws is relevant to show the concern that Colombian drug dealers have to being tried in a United States court.

There was a similar report when Sheik Obeid was taken into custody by the Israelis after the murder of Colonel Higgins. He was concerned about the possibility of being extradited and tried in the United States for terrorism against U.S. citizens. All of this reports a basic approach that when you deal with the criminal laws, there is a much tougher penalty available. Those in any foreign country who engage in acts of selling chemicals, which can be used for chemical or biological warfare, which then results in homicide, assault, or maiming of U.S. citizens, should be subject to very tough penalties, which could be activated by U.S. prosecutions. So I suggest that, in trying to deal with the very serious threat worldwide, we adopt this amendment that would provide these stronger and more appropriate sanctions.

I thank the Chair and yield the floor.

Mr. THURMOND. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. SARBANES. Mr. President, there is an amendment pending that was offered by the distinguished Senator from Pennsylvania. I understand that he has another amendment that he is considering. In fact, he announced this morning that he was going to offer an amendment, S. 245, which is the bill which has been introduced concerning the imposition of the death penalty for the instances of terrorism.

I understand that on the basis of discussions that he has had with the able Senator from South Carolina [Mr. THURMOND] he has made some changes I think in the amendment he was proposing to offer which, of course, Mem-

bers would like to have an opportunity to look at. We have been discussing this.

We think, perhaps, the best way to do this is to lay aside the pending amendment. The Senator from Pennsylvania would then offer an amendment of the nature of the sort that I have just been discussing and be recognized for a period of up to half an hour to explain and debate this amendment. Then the Senate would go into morning business.

Then we would go over and address the issue on tomorrow.

If that conforms with the conversation we had, I am prepared to propound the unanimous-consent request.

I yield to the Senator for a question.

Mr. SPECTER. That is entirely satisfactory, I say to my friend from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that the amendment pending at the desk be laid aside; that the Senator from Pennsylvania be recognized to offer an amendment dealing with the death penalty. It is a modification of S. 245, as I understand, which he earlier brought to the attention of the Senate; that it be in order for him to offer that amendment, and he be recognized then for a period for up to half an hour to explain and debate the amendment; and, at the conclusion of the half hour, or earlier if the time is not fully used for explanation and debate purposes that the Senate then go into a period for morning business.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there objection? Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Pursuant to the order, the pending amendment is laid aside, and the Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank the Chair.

AMENDMENT NO. 3

(Purpose: To amend the Omnibus Export Amendments Act of 1991 to include a provision to establish constitutional procedures for the imposition of the death penalty for terrorist murders)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 3.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . TERRORIST DEATH PENALTY ACT OF 1991.

(1) SHORT TITLE.—This section may be cited as the "Terrorist Death Penalty Act of 1991".

(2) DEATH PENALTY FOR TERRORISTS ACTS.—(a) OFFENSE.—Subsection 2332(a) of title 18 of the United States Code is amended to read as follows:

“(a) HOMICIDE.—Whoever kills a person while such person is inside the United States, or kills a national of the United States, while such national is outside the United States, shall—

“(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

“(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.”.

(b) DEATH PENALTY.—Section 2332 of title 18, United States Code, is amended by adding at the end thereof the following:

“(f) DEATH PENALTY.—

“(1) SENTENCE OF DEATH.—A defendant who has been found guilty of an offense under subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph (3) either—

“(A) intentionally killed the victim;

“(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

“(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held under paragraph (3), it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

“(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

“(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

“(i) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

“(ii) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

“(iii) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(B) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(ii) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(I) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(II) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(iii) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(iv) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(v) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(vi) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(vii) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(viii) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(ix) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(x) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(xi) TYPE OF VICTIM.—The defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(IV) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(aa) while such public servant is engaged in the performance of the public servant's official duties;

"(bb) because of the performance of such public servant's official duties; or

"(cc) because of such public servant's status as a public servant.

For purposes of this clause, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors enumerated in paragraph (2) and any other aggravating factor not specifically enumerated in paragraph (2), that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this paragraph, reconsideration of the sentence under the section is necessary; or

"(ii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(i) any matter relating to any mitigating factor listed in paragraph (2) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2) for which notice has been provided under subparagraph (A)(ii) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of

such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2) of this title found to exist and any other aggravating factor for which notice has been provided under subparagraph (A) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in paragraph (2) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(C) is found to exist the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall

be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this paragraph may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3) of this title or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this paragraph.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(A) IN GENERAL.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(C) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this paragraph, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subparagraph, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the

implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Maryland for working out this arrangement. I had submitted the earlier arrangement which provided for criminal sanctions for those who sell chemicals which are used for chemical or bacteriological warfare, and since debate is incomplete on that amendment, it seemed to the Senator from Maryland and myself that it would be useful for the time of the Senate to lay that amendment aside and take up the amendment on the death penalty which, as this Senator had stated earlier today in morning business, would be offered in sequence, so we can use the next 30 minutes profitably for this and then proceed tomorrow with both the earlier amendment and this amendment.

This amendment, as noted by the Senator from Maryland, is a bill which has already been introduced, S. 245, which provides for the death penalty for terrorists.

This Senator has already notified the distinguished chairman of the Judiciary Committee, the Senator from Delaware [Mr. BIDEN], and the distinguished Senator from Michigan [Mr. LEVIN], who has a special interest in this proposed legislation, as well as the distinguished Senator from Oregon [Mr. HATFIELD], because both Senator HATFIELD and Senator LEVIN were principal opponents of this legislation when it was debated in the 101st Congress and ultimately adopted by a vote of 79 to 20.

This amendment would provide that the death penalty would be a possible penalty for murder committed by a terrorist against a U.S. citizen, either in the United States or abroad.

This amendment follows the legislation which this Senator introduced in 1986, which makes it a violation of U.S. law for a terrorist to maim, assault, or murder a U.S. citizen anywhere in the world.

This is an illustration of extraterritorial jurisdiction, on which the U.S. Congress acted in 1984 under the omnibus crime control bill of 1984, where we made it a violation of U.S. law for a terrorist to hijack a plane carrying U.S. citizens or take a U.S. citizen as a hostage. Then when we had the experience in the Rome and Vienna airports in December 1985, where there was a blatant act of murder by terrorists against citizens from many countries, including citizens from the United States. We thought it appropriate to enact legislation which would make it a violation of the U.S. law to assault, maim, or murder a U.S. citizen anywhere in the world.

The penalty was limited at that time to life imprisonment because of the practical difficulty of getting legislation enacted which would carry the death penalty. Many people will be surprised to learn, Mr. President, that the death penalty has been nonexistent for Federal offenses since the Supreme Court of the United States declared the death penalty unconstitutional in the 1970's case of *Furman versus Georgia*, where it was required by that Supreme Court decision that extensive procedures be established on aggravating and mitigating circumstances, and except for the Code of Military Justice and the Drug Act of 1988, the death penalty is not available on any Federal prosecution.

This is a change from the law before *Furman* where the death penalty had been available under Federal law for treason, espionage, murder, assassination of an American President, explosives causing death, train wrecks causing death, which are just illustrative situations.

Since *Furman versus Georgia*, there has essentially been no Federal death penalty in the United States. It is the view of this Senator that the death penalty is a deterrent and has to be very carefully used and has to be very carefully applied; but based on the extent of the experience that I have had as a prosecuting attorney, the death penalty is an effective deterrent.

Of all of the categories of murder, none is more heinous or outrageous than terrorism; wanton acts of individuals who act by stealth, who hijack planes, who riddle innocent tourists in airplane lobbies, and in a most egregious manner.

A few examples will call to mind many of the horrendous acts of terrorism which have taken place around the world. On December 21, 1988, in the famous Pan Am 103 tragedy, that plane was blown up by a terrorist bomb over Lockerbie, Scotland and 259 passengers were brutally murdered, 79 being women, 189 United States citizens.

Earlier that year, Lieutenant Colonel Higgins was reportedly hanged by the Hezbollah captors in retaliation for the Sheik Obeid incident, bringing outrage in world reaction.

In 1986, on April 2, TWA flight 840 was en route to Athens, Greece. A bomb was placed under a passenger seat by terrorists, exploding, causing four U.S. citizens, including a mother and her infant child and the grandmother to be sucked out of the aircraft, falling to their deaths.

Later that year, on September 5, 1986, Pan Am 73 at Karachi, Pakistan, was held by terrorists for 17 hours. Gunmen were indiscriminately exploding grenades and firing machine guns; 21 people died, 100 people were wounded; 2 U.S. citizens were killed.

In 1985, on June 14, the 17-day ordeal occurred on TWA flight 847 where three

U.S. citizens were severely and repeatedly beaten by terrorists. Robert Stethem, a Navy diver, was not only savagely beaten, but executed with a shot to his head, and his body was dumped out of a plane onto an airfield in an egregious and reprehensible act of murder as a result of a terrorist plot.

On October 7, 1985, Leon Klinghoffer, an American citizen, was taking a pleasure cruise on the ship *Achille Lauro*. He was confined to a wheelchair and was rolled onto an open deck of the cruise ship where he was hit in the head and chest by terrorists and his body dumped unceremoniously into the Mediterranean Sea.

On December 27, 1985, at the Rome Airport, 15 people were murdered, including 5 U.S. citizens, and 73 were wounded in a grenade and machinegun attack by the Abu Nidal terrorist organization.

Mr. President, I could go on at some considerable length on a recitation of horrible terrorist attacks around the world.

The thrust of this amendment would say that the death penalty ought to be available as an option to life imprisonment for this kind of horrendous killing, murders in the first degree. That is not to say that it is mandatory, because it is a matter of discretion of juries under U.S. law, but it ought to be available.

The thrust of extraterritorial jurisdiction, Mr. President, has been successful. The celebrated case of Fawaz Yunis is an illustration where that terrorist was apprehended on a James Bond type of maneuver in the Mediterranean Sea, where FBI agents brought Mr. Yunis on to a fishing boat where he was taken into custody, brought back to the United States and tried in a Federal court here in Washington, DC, accorded full constitutional protections, the whole gamut, including suppression motions on his statements, legalistic challenges to the propriety of his arrest. Ultimately, he was sentenced to 30 years in prison.

Mr. President, there are many who oppose the death penalty on moral grounds, but I believe the deterrent value of the death penalty has been established. And there are leading jurists around the world, commenting on the propriety of the death penalty, who have upheld its application.

A cogent statement was made by Chief Justice Earl Warren in the celebrated case of *Trop versus Dulles*, to this effect:

At the outset let us put to one side the death penalty as an index of the constitutional limit on punishment. Whatever the arguments may be against capital punishment both on moral grounds and in terms of accomplishing the purpose of punishment, and they are forceful, the death penalty has been employed throughout our history and, in a day when it is still widely accepted, it can-

not be said to violate the constitutional concept of cruelty.

An opinion by the distinguished Supreme Court Justice, Potter Stewart, is worth noting in the case of *Gregg versus Georgia*, where Justice Stewart wrote as follows:

Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death.

In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.

Justice Stewart then quoted from Lord Justice Denning, Master of the Rolls of the Court of Appeal in England, when Lord Justice Denning spoke to the British Royal Commission on Capital Punishment in what I think is an important statement:

Punishment is the way in which society expresses its denunciation of wrong doing; and in order to maintain respect for law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformatory or preventive and nothing else. The truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrong-doer deserves it, irrespective of whether it is a deterrent or not.

Mr. President, there was a very distinguished opinion in the California Supreme Court by Justice McComb, who referred to a great many cases showing the deterrent effect of capital punishment. Rather than take the time to recite them now, because there are others who will want to utilize time in morning business, suffice it to refer to the CONGRESSIONAL RECORD of January 23, 1991, page S1075, and following pages, which contain a recitation of the case citations by Justice McComb.

Mr. President, there is an issue as to whether deterrence really works on terrorists where emotion or fervor motivates the terrorist, and no one can say that capital punishment will be a deterrent in all cases. But even those who operate in the terrorist mode are concerned about punishment in a U.S. court, illustrated by Fawaz Yunis.

Although the death penalty was not available when Sheik Obeid was apprehended by the Israelis after the murder of Colonel Higgins in retaliation, reliable reports suggested that Sheik Obeid was very apprehensive about being brought to a United States court to be tried. Even though he would not face the death penalty, he was very apprehensive about that kind of punishment.

Those who murdered Colonel Higgins were terrorists of the first and worst

order. And there is much to suggest that the terrorists involved in the cases which I have recited are very much concerned about punishment, and that the possibility of the death penalty, realistically viewed, is an effective deterrent or at least the possibility of a deterrent. As long as that possibility is present, the U.S. Government ought to be armed with every reasonable weapon at its disposal, and the death penalty is one such weapon.

Mr. President, I think that outlines, as an overall purpose, the thrust of this amendment, which is to call for the death penalty for terrorism. There will doubtless be those who will speak against this amendment, as they did last year. But the overwhelming support of the Senate was present, as a vote of 79 to 20 ultimately approved this amendment.

But I think that it is sufficient for the present purposes, and those who oppose the amendment are on notice. We can return at a later time, when consideration of this bill is taken up tomorrow.

I thank the Chair, and I yield the floor.

Mr. THURMOND. Mr. President, the Senator from Pennsylvania proposes a measure which authorizes the death penalty for terrorist acts against U.S. nationals abroad. We worked to improve this amendment by incorporating a vast number of provisions from a terrorism death penalty bill I introduced. This amendment now authorizes the death penalty for terrorist murders—committed either here in the United States or abroad. I strongly support this proposal.

Saddam Hussein, in the first days following Desert Storm, called for the international network of terrorists to strike out against the United States and its people. Congress must respond to this threat. Acts of international terrorism against the citizens of the United States must not be permitted to go unpunished. Terrorism—the heinous, politically motivated acts carried out against the world's innocent—must be brought to an end. We must not allow these vicious murderers to hide behind a veil of political struggle and spill innocent American blood without facing severe punishment.

Mr. President, this amendment would amend title 18 to authorize a sentence of death for a terrorist murder committed against any person inside the United States or committed against U.S. nationals outside the United States. In order for the death penalty to be sought, the Attorney General would have to certify that the murder was a terrorist act intended to coerce, intimidate, or retaliate against a government or a civilian population.

Currently, numerous Federal statutes provide that a sentence of death may be imposed if a person is found guilty. However, the reality is that the

death penalty may not be imposed for these offenses because constitutional procedures for imposing such a sentence have not existed. On the first day of this Congress, I introduced a measure which would establish the necessary constitutional procedures for the implementation of a comprehensive Federal death penalty. Although I strongly believe that Congress should pass a comprehensive death penalty measure, the unique situation which confronts this Nation dictates that we move swiftly to pass a terrorism death penalty bill. Although I differ with my colleague from Pennsylvania on certain procedures to implement the death penalty, it is important that we act swiftly on a terrorist death penalty bill. Congress should ensure that those who respond to Saddam's calls for terrorism pay the ultimate price.

In summary, terrorism has plagued the world for many years. Increasingly, the United States has been the focus of such acts. For example, no one can forget the 241 United States military servicemen killed in Beirut by a suicide truck bomber in October 1983, or the innocent Americans killed in the December 1988 bombing of Pan Am flight 103 over Scotland. Just last month, a terrorist accidentally detonated a bomb, killing himself, on his way to plant it in a United States Government building in Manila. All of these incidents, combined with the Butcher of Baghdad's call to terrorism, clearly illustrate the fact that there is, indeed, an increased threat of terrorism against our people.

Mr. President, this amendment will send a strong signal to those international terrorist groups that choose to make victims of innocent Americans. That message is, "If you choose to prey upon innocent Americans, you will pay the supreme price—your life!" We simply cannot hesitate any longer to ensure that terrorist acts will be dealt with harshly.

In closing, Saddam Hussein has made it clear that he is unmoved by human decency and encourages acts of terrorism. His amoral acts of gassing his own people, dropping Scud missiles on Israeli civilians, and threatening to use American POW's as human shields illustrate his barbarism. Congress must act to deter and punish those who commit terrorism and take the lives of innocent Americans.

For these reasons, I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1991, appoints the Senator from Montana [Mr. BURNS] to read Washington's Farewell Address on Friday, February 22, 1991.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate returns to a period of morning business.

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.)

ANNUAL REPORTS ON ACTIVITIES UNDER CERTAIN HIGHWAY SAFETY ACTS—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

It is my privilege to provide you with the annual reports on activities under the Highway Safety Act (23 U.S.C. 401 Note) and the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1408), both enacted in 1966. These reports provide an overview of our activities during calendar year 1989 and an overview of the National Highway Traffic Safety Administration's priority plan for the next 3 years. The plan will be an evolving guideline for the agency's safety activities to improve motor vehicle and traffic safety over the next several years.

The plan includes motor vehicle rule-making on the crashworthiness of passenger cars, light trucks, and vans; vehicle rollover stability; and safety improvements in heavy trucks, school buses, and child safety seats.

It also calls for initiatives to promote State laws and programs to increase safety belt use, motorcycle helmet use, and to discourage drunk and drugged driving.

The report on motor vehicle safety includes the annual reporting requirement in Title I of the Motor Vehicle Information and Cost Savings Act of 1972 (bumper standards).

In the Highway Safety Acts of 1973, 1976, and 1978, the Congress expressed its special interest in certain aspects of traffic safety that are addressed in the volume on highway safety.

I am pleased to inform you that 1989 was a year of significant gains in traffic safety. The traffic fatality rate, the accepted measure of risk on the road, was 2.2 deaths per 100 million vehicle miles traveled, the lowest in history and down 33 percent since 1980. Safety belt use is also higher than ever, with 46 percent of Americans buckling up, and drunk driving fatalities have declined significantly.

There is good news for Americans in virtually every critical part of the highway safety picture. The decline in the fatality rate is especially encouraging and means that we are able to drive with less risk, and the dramatic increase in safety belt use and public concern about drunk driving have translated into thousands of lives saved and injuries avoided.

The progress we have made is, of course, no consolation to the relatives and friends of the 45,500 people who, despite the safety advances and greater public awareness, lost their lives in traffic accidents in 1989.

As we continue to pursue highway and motor vehicle safety programs that are most effective in reducing deaths and injuries, we are convinced that significant progress in traffic safety can be achieved through the combined efforts of government, industry, and the public.

GEORGE BUSH.
THE WHITE HOUSE, February 19, 1991.

APPROVAL OF CONVENTION CONCERNING THE ABOLITION OF FORCED LABOR—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

The Convention (No. 105) Concerning the Abolition of Forced Labor, adopted by the International Labor Conference at Geneva on June 25, 1957, was transmitted to the Senate by President Kennedy on July 22, 1963, with a view to receiving advice and consent to ratification. Although hearings were held in 1967 by the Committee on Foreign Re-

lations, the Senate has not acted further on the Convention.

Now, 23 years later, I urge the Senate to consider anew this important Convention and to grant its advice and consent to ratification. Given the length of time that has elapsed, I enclose a new report from the Secretary of State concerning the Convention.

The report of the Secretary of State also contains the texts of two proposed understandings. As explained more fully in the accompanying letter from the Secretary of Labor, the law and practice of the United States fully conform to all obligations contained in the Convention (a copy of the Convention is included as an enclosure to this letter). Ratification of this Convention, therefore, would not require the United States to alter in any way its law or practice in this field. However, to remove the possibility that certain ambiguities might arise after ratification, it is proposed that ratification of the Convention be made subject to these understandings.

Ratification by the United States of selected Conventions of the International Labor Organization (ILO) enhances our ability to take other governments to task for failing to comply with ILO instruments they have ratified. In part for this reason, the Senate has in recent years given its advice and consent to the ratification of ILO Conventions 144, 147, and 160. I accordingly recommend that the Senate also give its advice and consent to the ratification of ILO Convention 105.

GEORGE BUSH.
THE WHITE HOUSE, February 19, 1991.

MESSAGES FROM THE HOUSE

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 154. An act to provide for the transfer of an existing United States memorial erected under the auspices of the American Legion, Incorporated, for the use and benefit of American officers and enlisted personnel who served in World War I to the Department of Veterans Affairs, and for other purposes;

H.R. 180. An act to amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes; and

H.R. 232. An act to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 154. An act to provide for the transfer of an existing United States memorial erected under the auspices of the American Le-

gion, Incorporated, for the use and benefit of American officers and enlisted personnel who served in World War I to the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 180. An act to amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 232. An act to amend title 38, United States Code, with respect to veterans programs for housing and memorial affairs, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of February 7, 1991, the following reports of committees were submitted on February 14, 1991, during the recess of the Senate:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Special Report on the activities of the Committee on Energy and Natural Resources during the 101st Congress (Rept. No. 102-12).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 419. An original bill to amend the Federal Home Loan Bank Board Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means (Rept. No. 102-13).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Report on the Jurisdiction and a Summary of Activities of the Committee on Agriculture, Nutrition, and Forestry for the 101st Congress (Rept. No. 102-14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 420. A bill to increase to \$50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act; to the Committee on Labor and Human Resources.

By Mr. SPECTER:

S. 421. A bill to improve the objectivity, reliability, coordination and timeliness of national foreign intelligence through a reorganization of positions, and for other purposes; to the Select Committee on Intelligence.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 422. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to authorize the Clerk of the House of Representatives and Secretary of the Senate to receive bills returned by the President at any time their respective Houses are not in session; to the Committee on Governmental Affairs.

By Mr. BENTSEN (for himself and Mr. GRAMM):

S. 423. A bill to amend the Caribbean Basin Economic Recovery Act to establish a center to study and support improved trade and economic relations among Western Hemisphere countries; to the Committee on Finance.

By Mr. MITCHELL (for Mr. CRANSTON) (by request):

S. 424. A bill to amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in Operation Desert Storm, or who served during other periods of armed hostilities after the Vietnam era; to the Committee on Veterans' Affairs.

S. 425. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans Affairs.

By Mr. MITCHELL (for Mr. CRANSTON):

S. 426. A bill for the relief of Abby Cooke; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 427. A bill for the relief of Chinyere (Stella) Ugboajah; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 428. A bill to promote and improve efficient and effective enforcement of the anti-trust laws; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BRADLEY, Mr. KASTEN, Mr. WARNER, Mr. BURDICK, Mr. THURMOND, Mr. LEVIN, Mr. RIEGLE, Mr. DOLE, Mr. GARN, Mr. LAUTENBERG, Mr. SARBANES, and Mr. PRESSLER):

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week"; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. DODD, Mr. METZENBAUM, Mr. GORTON, Mr. RIEGLE, and Mr. CONRAD):

S.J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SARBANES (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 56. Resolution authorizing the reprinting of Senate Document No. 5, entitled "Washington Farewell Address to the people of the United States; considered and agreed to.

By Mr. DOLE (for himself, Mr. BURDICK, Mr. COCHRAN, Mr. BOREN, Mr. PRYOR, Mr. BOND, Mr. BENTSEN, Mrs. KASSENBAUM, Mr. DASCHLE, Mr. HELMS, Mr. BAUCUS, Mr. CRAIG, Mr. BURNS, Mr. PRESSLER, Mr. NICKLES, Mr. MCCONNELL, Mr. GRAMM, Mr. CONRAD, and Mr. KERREY):

S. Res. 57. Resolution to express the sense of the Senate that Congress should expeditiously consider and approve the President's 1991 supplemental appropriations request to remove the limitation on Export Enhancement Program (EEP) bonus awards; ordered held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES:

S. 420. A bill to increase to \$50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act; to the Committee on Labor and Human Resources.

GRANT AWARD AMOUNTS FOR LIBRARY LITERACY GRANTS

• Mr. SARBANES. Mr. President, I rise today to introduce legislation to increase the maximum grant awards for library literacy grants under title VI of the Library Services and Construction Act. As you know, under title VI individual libraries or State library administrative agencies apply directly to the Department of Education for literacy grant awards which may be used for coordinating, planning, promoting, or conducting literacy programs. During the reauthorization of the Library Services and Construction Act [LSCA] in the last Congress, the maximum amount of a title VI library literacy grant was raised from \$25,000 to \$35,000. The legislation I am introducing today would further increase the maximum grant award to \$50,000.

Illiteracy costs this Nation \$224 billion annually in welfare payments, crime, job incompetence, lost taxes, and remedial education. \$237 billion in unrealized earnings is forfeited annually by individuals who lack basic learning skills. Despite this, the Federal Government allocates less than \$300 million annually to provide basic literacy skills to adults in this country, the equivalent of less than \$10 per year for each American adult who does not possess a high school diploma. Public and private literacy programs combined provide services to only approximately 19 percent of those who need assistance. In light of this information, I am especially concerned that the administration has proposed to terminate the title VI library literacy grant program in its fiscal year 1992 budget proposal. The bill I am introducing today serves to emphasize the urgent need to continue Federal programs to fight illiteracy and to assist libraries in expanding and increasing such programs.

Mr. President, every society places a premium on an educated, literate citizenry in terms of developing a skilled and trained work force in the next generation, and the more complex economically and technologically the world becomes, the more urgent it is to address this aspect of developing our human resources. We take great pride in being an open society in which people can move up and forward, and literacy and education provide the key to this opportunity. As important as this is, it is also useful to bear in mind that effort to increase literacy are not solely for the individual. They are also critical to sustaining our democracy. As James Madison said:

A people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both.

Libraries, which have always served as engines of learning and ladders of opportunity in our society, are uniquely situated to develop and offer literacy programs which can reach all segments of our society. Since they were first funded in 1986, library literacy grants have proven successful in encouraging libraries to develop programs to reduce illiteracy. An increased grant award would provide a greater incentive for increased participation in this critical program, and I urge all of my colleagues to join me in working toward prompt passage of this important legislation. •

By Mr. SPECTER:

S. 421. A bill to improve the objectivity, reliability, coordination, and timeliness of national foreign intelligence through a reorganization of positions, and for other purposes; to the Select Committee on Intelligence.

NATIONAL INTELLIGENCE REORGANIZATION ACT

Mr. SPECTER. Mr. President, today, I am reintroducing legislation calling for the creation of the position of a Director of National Intelligence and a reorganization of other intelligence positions. When I introduced this legislation in the 100th and 101st Congresses, I stated that its goals were to improve the objectivity, reliability, management and timeliness of foreign intelligence. In the 6 years I have served on the Select Committee on Intelligence, I have become more convinced than ever that these goals are not now being fully achieved. More importantly, I am concerned that unless the responsibilities and authorities of senior officials in our intelligence hierarchy are more clearly delineated than those in the National Security Act of 1947, intelligence as a fundamental element of support to our policymakers and to the Congress will suffer in terms of quality and cost. For the reasons I shall outline, these changes are essential to national security.

Two years ago I stated that this bill would enhance considerably the objectivity and reliability of our Nation's intelligence, which the events of the past have demonstrated to be lacking. Equally, this legislation would greatly improve the needed management structure and control of the activities and vast resources of our country's intelligence agencies and departments. My assessment has not changed. My remarks then are equally poignant today and I therefore intend to repeat my arguments, provide new examples and strengthen the legislation. During the Iran-Contra hearings, then Secretary of State George Shultz testified, in very clear terms as to the principal problem with U.S. intelligence. "[One

is] the importance of separating the function of gathering and analyzing intelligence from the function of developing and carrying out policy. If the two things are mixed together, it is too tempting to have your analysis and selection of information that's presented favor the policy that you're advocating." Secretary Shultz went on to say that long before the Iran-Contra events came to light, he already had come to have grave doubts about the objectivity and reliability of some of the intelligence he was receiving precisely because the people who supplied it were too deeply involved in advocating and carrying out policy.

There were cogent reasons in addition advocated by a distinguished American, Mr. Clark Clifford, who was instrumental in the 1947 legislation creating the Central Intelligence Agency.

Director Webster has done a good job during his watch of staying outside of the policy arena and carrying out his intelligence duties in an impartial manner. Some of his detractors have even criticized him for being too detached from foreign policy. I applaud his strict interpretation of his duties and the courage of his convictions in adhering to them. However, I am guided in this legislation by the lessons of our intelligence history since 1947.

In the 44 years since passage of the National Security Act, Directors of Central Intelligence have been tested repeatedly on their ability to maintain a delicate separation of two competing responsibilities. On the one hand, the Director has been expected to provide unvarnished intelligence information to the President and other foreign policymakers. On the other hand, he has been asked to be a participant in the making and execution of foreign policy through covert actions. If history has taught us anything, it is that the desired separation cannot and has not been consistently maintained. Since 1947 several Directors have been political activists who regarded their position as license to shape the foreign policy of the United States. Their primary vehicle invariably was covert action, the most notorious of which were the disastrous Bay of Pigs operation and the Iran-Contra affair.

If fault is to be found, it should start with the National Security Act which formed the CIA and the position of Director of Central Intelligence. The primary focus of that legislation was the creation of the Department of Defense and the position of Secretary of Defense. In part because of the need for secrecy and in larger part because of the bureaucratic infighting among the military services, FBI and the remnants of the OSS for primacy in the national intelligence arena, the duties and responsibilities of the Director of Central Intelligence were obfuscated in law. Since that time, it has been left to

each Director to interpret his duties and responsibilities guided by changing Executive orders. Certainly, the closest authority for the DCI even to conduct covert actions rests in an interpretation of section 102(d)(5) of the 1947 National Security Act which charges the CIA to "perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." At best it is unrealistic and probably unfair to expect our Nation's senior intelligence officer to be the purveyor of objective, unbiased information upon which the President and Secretary of State may formulate a foreign policy, while at the same time charging him to influence and implement that policy in the form of covert action.

At worst, the problem is particularly acute when the Director is a foreign policy activist. Director William Casey was not the first Director of Central Intelligence who desired to be involved to some degree in the formulation or implementation of foreign policy, nor is he likely to be the last. Recognizing this, we should take steps to ensure in law some clearer definition of what we expect and not expect our chief intelligence officer to be. We simply cannot afford to have two Secretaries of State, two foreign policymakers who may be attempting to move the country in different directions, one overtly and the other covertly. No one is well served by this contradiction as outlined by George Shultz—not the President, not the Congress and not the country.

We have a choice, we can preserve the status quo and hope that the current—and each of his successors—will have absorbed the lessons of the past particularly the Iran-Contra affair. Or we can create a better system of checks and balances and strong management. We can do this by separating the duties of the Director as quasi-leader of the Intelligence Community and as the day to day manager of the Central Intelligence Agency. We can do this by more clearly defining the responsibilities and authorities of both positions. We can do this at minimum cost. And, we can do this without the creation of a new layer of bureaucracy.

The results will be a new and strengthened full-time leader of the intelligence community—a Director of National Intelligence—with clear responsibilities and authorities for providing objective, reliable, and coordinated intelligence to policymakers and for managing and integrating much more effectively the collection, analysis and vast resources of the intelligence community.

An equally important element of this legislation focuses on the ever more critical need for better management and direction of the activities and vast resources of our several intelligence departments and agencies—the so-

called intelligence community which is more aptly described as a guild than an integrated enterprise. In the view of this Senator, a serious management deficiency exists because the Director lacks the authority to manage the community and to marshal its vast resources. A Director of National Intelligence with clear responsibility and full authority could and must correct this imbalance. The time of protected intelligence budgets is gone.

When President Truman created the CIA to centralize intelligence and the position of Director to head this new Agency. He tasked the Director to coordinate the intelligence activities of the several Government departments and agencies in the interest of national security. Unfortunately and noted above, the Director's authorities as spelled in the act were limited, weak and vague; they were "to advise," "to recommend," and "to correlate" the activities of those several Government departments which at the time consisted of the intelligence services of the Army and Navy, a small bureau in the State Department, a portion of the FBI and remnants of the OSS. Since 1947, those Government departments have grown and multiplied far beyond the vision of President Truman. However, the responsibility and authority to manage and direct them have not kept pace. The result is that today the intelligence community is virtually rudderless.

Several Presidents since John F. Kennedy have directed their chief intelligence officer to devote the bulk of his time to the intelligence community. For a number of reasons this has not happened. Suffice it to say that, in some cases, Director's have found the operational role of the CIA more glamorous and politically safer than managing an amorphous community composed of agencies and departments opposed to centralized direction. Events such as Watergate, congressional investigations of wrongdoings, and the turnover of DCI's, also have contributed to the neglect.

Today, the intelligence community consists of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the Office of the Secretary of Defense for Counterintelligence, the large foreign intelligence and counterintelligence elements of the Army, Navy, Air Force and Marine Corps, offices for the collection of specialized intelligence through reconnaissance, the National Photo Interpretation Center, the FBI's Foreign Counterintelligence Division, the State Department's Bureau of Intelligence and Research and elements of the Treasury and Energy Departments. These organizations provide what we call national foreign intelligence and counterintelligence. There are other elements in the Federal Government, mostly within the Defense

Department, which run a vast system of tactical intelligence nearly as complex and as expensive as that of the national foreign intelligence world. Outside of the Government, there is another world of contractors who design and develop these complex intelligence systems and, in some cases, operate them for the intelligence agencies.

Make no mistake in construing my remarks. The functions performed by these agencies are fundamental to our national security. But their budgets are in the billions; their growth in terms of people is the greatest in the history of U.S. intelligence; their missions and challenges now and for the foreseeable future so demanding, complex and costly that their management and leadership can no longer be accomplished on a part-time basis by a Director without real authority and one who also must manage the CIA.

The Intelligence Oversight Committees which review the programs and budgets of the intelligence community have long identified management of the intelligence community as an important issue. In 1976, the Select Committee to Study Government Operations with Respect to Intelligence—the predecessor to the Senate Select Committee on Intelligence—“found concern that the function of the DCI in his roles as intelligence community leader and principal intelligence adviser to the President is inconsistent with his responsibilities to manage one of the intelligence community agencies—the CIA.” The committee also expressed concern that the DCI’s new span of control—both the entire intelligence community and the entire CIA—may be too great for him to exercise effective detailed supervisor of clandestine activities. Those concerns are even greater today than they were 15 years ago, because of the greater challenges and costs facings intelligence, the growing competition for resources and the unacceptable risks to U.S. foreign policy.

As a start, the Senate Select Intelligence Committee is undertaking a major review of the Department of Defense intelligence with a view to its reorganization. The committee is of the view that in the face of severe budget constraints, current defense intelligence programs and infrastructures cannot be sustained at current levels and forms. While the threat from the Soviet Union and Warsaw Pact has diminished, there are new threats and new intelligence requirements such as nuclear, chemical, and biological weapons proliferation and the needs to monitor arms control agreements. The breadth of requirements will continue and will likely expand; the cost cannot. In our report accompanying the fiscal year 1991 intelligence authorization bill, the committee has noted the assessment of defense intelligence made by the then Chairman of the Joint

Chiefs of Staff, Admiral Crowe who criticized the Defense Department’s intelligence for “significant duplication of effort; insufficient integration and sharing of information; uneven security measures and regulations; pursuit of parochial service interests rather than joint intelligence interests; and gaps in intelligence support and coverage, despite the number of intelligence organizations.”

Another problem cited in the report is one which transcends strictly Department of Defense Intelligence, that is, the excessive isolation of tactical and national intelligence communities from one another. “Military commanders seek self-sufficiency through organic systems and organizations on the argument that national intelligence systems cannot be relied upon for support. The national community, likewise, emphasizes its peacetime missions and pays scant attention to the commander’s need.”

An immediate observation is the absence of leadership, leadership which a strengthened Director of National Intelligence would bring to bear. In my view there is currently no guiding hand because the Director lacks the sufficient mandate and authority to act. Several past Directors have attempted to take a strong hand to integrate and manage the intelligence community most of which resides in the domain of the Defense Department. However, the Defense Department has been too strong and too entrenched and the Director’s authority too weak to force any real changes. Consequently, the congressional intelligence oversight committees have directed the Secretary of Defense and the Director of Central Intelligence to act. Other legislation will likely be required to generate the degree of change necessary.

This bill is a major start. It accomplishes important hierarchical changes. First, it amends the National Security Act of 1947 to make clear that the principal role of foreign intelligence and of the agencies who provide such intelligence are to ensure the provision of objective, reliable, coordinated and timely information upon which the President and other senior foreign policymakers may base sound foreign policy decisions.

Second, it establishes the position of “Director of National Intelligence” to serve as the primary adviser to the President on national foreign intelligence matters and as the full-time manager of the intelligence community with clearly defined statutory responsibilities and authorities. The title is not new; it was proposed several times in the past.

Third, it makes the Director of National Intelligence a statutory member of the National Security Council to ensure that he is aware of emerging issues for which there is an intelligence need and to ensure that there is an ob-

jective intelligence basis for national security and foreign policy decisions being contemplated.

Fourth, it ensures that the position of the Director of National Intelligence is not a hollow one by giving the Director not only the statutory authority to approve and submit the intelligence community program, resources and budget, but also to task all intelligence collection and analytical resources.

Fifth, it relieves the Director of National Intelligence of the responsibility for managing covert actions but charges him with responsibility for overseeing the conformity of such actions with stated foreign policy and applicable laws and regulations.

Sixth, it establishes the position of Director of the Central Intelligence Agency to manage the CIA on a full-time basis including the management of covert actions directed by the President.

Seventh, it eliminates the need for a Director of the intelligence community staff since the 240 person staff plus other offices and personnel would report directly to the Director of National Intelligence.

Finally, I endorse completely the view expressed by Director Webster that the CIA’s directorship should not change every time a new President is elected. This gives rise to charges that the position has been politicized and that there is an inadequate institutional memory of lessons learned from the past. In the past 20 years, there have been seven heads of the CIA and only two of these were career intelligence officers. We cannot afford a generalized loss of confidence in the CIA’s objectivity and reliability. The politicization of its analysis such as was expressed by former Secretary of State Shultz even the perception of such politicization, demands a more professional approach to intelligence activities and analysis. Therefore, to reduce the risk of politicization, this bill also would:

Create a fixed, 7-year tenure for the Director of the Central Intelligence Agency.

Require that at least one of the positions of Director or Deputy Director of the Central Intelligence Agency be filled by career intelligence officer from the intelligence community.

I am not proposing that the Director of National Intelligence be tenured because I believe that the President should have the right to select individuals who are to serve as his primary advisers.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

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

S. 421

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

SHORT TITLE

SECTION 1. This Act may be cited as the "National Intelligence Reorganization Act".

SEC. 2. Section 101(a) of the National Security Act of 1947 is amended in the fourth undesignated paragraph—

(1) by striking out "and" at the end of clause (6);

(2) by striking out the period at the end of clause (7) and inserting in lieu thereof "and"; and

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

"(8) The Director of National Intelligence in his role as primary adviser on intelligence."

SEC. 3. Title I of the National Security Act of 1947 is amended by inserting new section 102.

"DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 102.(a)(1) There are hereby established the positions of Director of National Intelligence (hereafter in this Act referred to as the "DNI") and the Deputy Director of National Intelligence who shall each be appointed by, serve at the pleasure of, the President, by and with the advice and consent of the Senate.

"(2) The principal role of foreign intelligence and of the agencies which provide such intelligence is to ensure the provisions of objective, reliable, coordinated, and timely information upon which the President and other senior foreign policy makers may base sound foreign policy decisions. To ensure such provision, the DNI shall serve as the nation's senior intelligence officer and primary adviser to the President on foreign intelligence matters. Accordingly, the DNI shall be prohibited from any duties involving the formulation of foreign policy and the management of covert actions except as may be specifically authorized by this Act. The Deputy Director of National Intelligence shall act for, and exercise the powers of, the Director during his absence or disability.

"(3) The DNI shall be responsible directly to the President and the National Security Council.

"(4) Upon request, any department, agency, or other component of the United States Government involved in intelligence or intelligence-related activities shall detail for the use of the DNI such staff as may be necessary to carry out the duties of the DNI under this section.

"(b) To carry out his responsibilities under this section, the DNI shall—

"(1) ensure that such objective, reliable and coordinated national foreign intelligence is provided to the President and officials in the executive and legislative branches in a timely manner;

"(2) provide policy direction to the national foreign intelligence activities of all agencies, departments, offices, and other entities of the intelligence community.

"(3) develop such strategy, objectives and guidance for the intelligence community to enhance capabilities for responding to expected future needs for national foreign intelligence;

"(4) provide direction to program managers, heads of agencies, departments, offices, and other entities for the national foreign intelligence program and budget;

"(5) evaluate and audit national foreign intelligence programs and budget performance;

"(6) review, evaluate, approve, and submit, to the Congress through the President, a national foreign intelligence program and budget;

"(7) review and approve all requests for reprogramming national foreign intelligence funds;

"(8) develop collection strategies, objectives, and targets in the intelligence community for national foreign intelligence requirements and priorities established by the National Security Council;

"(9) direct, control, and manage the tasking of national foreign intelligence collection activities;

"(10) coordinate, produce, and disseminate all national foreign intelligence and, levy analytic tasks on all intelligence community production organizations and entities in consultation with those organizations and entities. Intelligence of the departments and agencies of the Government relating to the national security shall be open to the audit of the DNI, and such intelligence as relates to the national security and is possessed by such departments and other agencies of the Government, shall be made available to the DNI for correlation, evaluation, and dissemination;

"(11) establish appropriate mechanisms for competitive analysis so that diverse views and judgments within the intelligence community are brought to the attention of national policymakers;

"(12) conduct jointly with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, military net assessments which allow for independent judgments by the DNI on areas critical to United States national security, strategy, tactics, or specific weapon systems;

"(13) oversee covert actions on a periodic basis for compliance with stated foreign policy objectives and established laws and regulations.

"(14) direct manage and control the development and maintenance of services of common concern by designated intelligence organizations on behalf of the intelligence community;

"(15) direct, manage and control foreign intelligence and counterintelligence arrangements with foreign governments, foreign intelligence and counterintelligence relationships between agencies of the intelligence community and the intelligence or internal security services of foreign governments, and establish policies and procedures governing the conduct of liaison by any agency, department, office or other entity of the United States Government with such services;

"(16) establish security countermeasure standards for the safeguard of foreign intelligence systems and information;

"(17) protect intelligence sources and methods from unauthorized disclosure;

"(18) establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities; and

"(19) review the tactical intelligence programs and budget of the Department of Defense to eliminate duplications with programs which are or can be readily provided by the National Foreign Intelligence program.

SEC. 4. (a) Title I of the National Security Act of 1947 is amended by changing old section 102 to be new section 102A with the following changes:

(1) by inserting the words "DIRECTOR OF THE" before the caption "CENTRAL INTELLIGENCE AGENCY".

(b) Section 102A, subsection (a) of the National Security Act of 1947 is amended—

(1) by inserting after the words ". . . National Security Council", the words "and Director of National Intelligence";

(2) by striking out "Director of Central Intelligence" and inserting in lieu thereof "Director of the Central Intelligence Agency"; and

(3) by striking out "Deputy Director of Central Intelligence" and inserting in lieu thereof "Deputy Director of the Central Intelligence Agency".

(c) Section 102A subsection (a) of such Act is further amended—

(1) by inserting "(1)" immediately after "(a)";

(2) by striking out the proviso and the colon immediately preceding such proviso at the end of the second sentence and inserting in lieu thereof a comma and the following:

"except that at no time shall the two positions of the Director and Deputy Director be occupied simultaneously by—

"(a) commissioned officers of the armed services, whether in an active or retired status; or

"(b) individuals not having previously served in career positions in the Intelligence Community;

"(c) the term of service of the Director shall be seven years. The Director may not be reappointed and may be removed by the President only for cause; and

"(d) the provisions of 102A subsections (a)(1) shall apply to the service of the first Director and the first Deputy Director of the Central Intelligence Agency appointed after the date of enactment."

(d) Section 102A, subsections (b) and (c). References in these sections to the Director or Deputy Director of Central Intelligence shall be deemed to be references to the Director or Deputy Director of the Central Intelligence Agency.

(e) Section 102A subsection (d) of such Act is amended to read as follows:

"(d) For the purpose of carrying out the Agency's intelligence activities in the interests of national security, it shall be the duty and responsibility of the Agency, under the management direction of the Director of the Central Intelligence Agency:

"(1) to collect, produce, and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable, and to coordinate the collection of foreign intelligence or counterintelligence within the United States with the Federal Bureau of Investigation as authorized by law or procedures established by the Attorney General: *Provided*, That the Central Intelligence Agency shall have no police, subpoena, law enforcement powers, or internal security functions;

"(2) to conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the Federal Bureau of Investigation, as authorized by law and procedures established by the Attorney General;

"(3) to coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies.

"(4) to manage covert actions approved by the President; covert actions unlike intelligence activities are the sole responsibility of the Director of the Central Intelligence Agency who is directly accountable to the

President and the NSC with regard to these actions;

"(5) to conduct services of common concern as directed by the DNI;

"(6) to carry out or contract for research, development, and procurement of technical systems and devices relating to authorized functions;

"(7) to protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Central Intelligence Agency as are necessary; and

"(8) to conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in paragraphs (1) through (7), including procurement and essential cover and proprietary arrangements."

SEC. 5. (a) Section 5313 of title 5, United States Code, is amended by—

(1) changing Director of Central Intelligence to read Director of National Intelligence;

(2) adding at the end thereof the following: "Director of Central Intelligence Agency."

(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Director of the Central Intelligence Agency."

SEC. 6. The provision of section 102a of the Act relating to the Director of the Intelligence Community staff is repealed.

SEC. 7. The Central Intelligence Act of 1949 is amended by changing references to the Director or Deputy Director of Central Intelligence to mean the Director or Deputy Director of the Central Intelligence Agency.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 422. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to authorize the Clerk of the House of Representatives and the Secretary of the Senate to receive bills returned by the President at any time their respective Houses are not in session; to the Committee on Governmental Affairs.

POCKET VETO LEGISLATION

Mr. KOHL. Mr. President, Senator KENNEDY and I are today introducing a bill that has significant consequences for this body and the Congress as a whole. Our bill would clarify that the President may pocket veto legislation only at the end of a Congress—not during intra- or inter-session recesses. It would codify the leading judicial interpretation of the President's pocket veto authority. In doing so, it would ensure that Congress does not lose its constitutional authority to check and balance the executive branch.

The immediate impetus for this legislation was the President's handling of the Chinese students bill during the inter-session adjournment in November 1989. As my colleagues will recall, President Bush threatened to pocket veto the measure. But a pocket veto would have been unconstitutional under such circumstances, because both the House and Senate had made

arrangements to receive any veto message during the adjournment.

Ultimately, however, the President chose a more diplomatic course. While asserting that he had pocket-vetted the bill, he actually returned the matter to Congress, as the Constitution requires.

Congress properly treated the President's veto of the Chinese students bill as a normal return veto. That is, we exercised our constitutional prerogative, and attempted to override the veto. But while this particular dispute ended without a constitutional confrontation, the President's statements demonstrated the need to clarify the pocket veto power statutorily.

Indeed, this was not the first instance in which President Bush attempted to deny Congress its rightful opportunity to override a veto. In August 1989, while Congress was out for its summer recess, the President placed House Joint Resolution 390 in his pocket. This was a major piece of legislation, which would have allowed the President to sign the S&L bailout without waiting for the bill to be printed on parchment. Minor though it was, however, the President's handling of the measure was significant—he asserted the power to exercise an intrasession pocket veto. In response, the Democratic and Republican House leadership protested, calling his position extremely troublesome.

My point is not to criticize the present occupant of the White House. My purpose is merely to illustrate why we need the legislation being proposed today. We need it because Congress must protect its constitutional role in governing.

Under article I, section 7 of the Constitution, the President has 10 days to consider bills presented to him by Congress. If 10 days pass and the President doesn't sign the bill, it becomes law "unless"—in the words of our guiding document—"the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law." When adjournment keeps the President from returning a bill with his objections, he can fail to sign it—pocket it—and it dies.

The question, then, is what kind of adjournment prevents the President from sending a bill back to Congress? Two Supreme Court cases provide only minimal guidance. In 1929, the Court held that an intersession break of 5 months allowed for a pocket veto. In 1938, the Court said that an intrasession recess of 3 days did not permit such action.

In 1974, in litigation brought and personally argued by Senator KENNEDY, the D.C. Circuit ruled that intrasession adjournments do not prevent the President from returning a bill to Congress. And in 1984, the D.C. Circuit expanded that holding to adjournments occurring between sessions, though the Su-

preme Court later dismissed this decision on procedural grounds.

The appeals court identified several reasons for reaching its conclusion—ones that apply equally to this legislation. First, the Farmers of the Constitution rejected the idea of giving the President an absolute veto—which is what a pocket veto amounts to. Second, modern congressional adjournments are much shorter than the one at issue in the 1929 case. Third, modern communications technology enables the President to notify the American people that he has returned a bill to Congress even while it is in recess. Finally, we now arrange for House and Senate clerks to receive veto messages, even when Congress is not in session. Consequently, there is no longer the delay of danger or public uncertainty about the status of legislation.

At bottom, the pocket veto clause was meant as a defense mechanism: The Congress cannot deprive the President of this veto power by adjourning without providing for receipt of a return veto. Just as clearly, however, none of the Framers favored the offensive use of a pocket veto to deny Congress its own authority to consider veto overrides.

The Carter and Ford administrations recognized the validity of these propositions, and both agreed not to use pocket vetoes between or during sessions. The Reagan administration chose to fight, and now the Bush administration seems to be taking a confrontational stance as well.

Ideally, of course, a lasting agreement between the executive and legislative branches would be the best solution. But in the absence of such an accommodation, legislation is necessary. And our proposal is quite simple: In 26 words, it states that no adjournment—other than the one to end a Congress—prevents the return of a bill by the President. In addition, the bill codifies the present practice of authorizing the House and Senate clerks to receive bills when we are not in session.

Mr. President, identical legislation is advancing in the House under the guidance of Representative BUTLER DERRICK, chairman of the Rules Subcommittee on the Legislative Process. I commend him for his excellent work on this issue. I also salute Senator KENNEDY for his long-standing commitment to protecting congressional prerogatives against improper encroachments by the executive branch.

Thank you.

I ask unanimous consent that the full text of the bill be reprinted at this point in the RECORD.

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

S. 422

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

SECTION 1. AMENDMENT TO TITLE 1, UNITED STATES CODE.

Chapter 2 of title 1 of the United States Code is amended by inserting at the end thereof the following new section:

§115. Adjournment preventing return of bill; Clerk of the House of Representatives and Secretary of the Senate authorized to receive bills returned when their respective Houses are not in session

“(a) No adjournment of either House of Congress, other than an adjournment sine die to end a Congress, prevents the return of a bill by the President.

“(b) The Clerk of the House of Representatives and the Secretary of the Senate are authorized to receive bills returned by the President at any time their respective Houses are not in session.”.

SEC. 2. CLERICAL AMENDMENT.

The table of sections at the beginning of chapter 2 of title 1 of the United States Code is amended by inserting at the end thereof the following new item:

“115. Adjournment preventing return of bill; Clerk of the House of Representatives and Secretary of the Senate authorized to receive bills returned when their respective Houses are not in session.”.

By Mr. BENTSEN (for himself and Mr. GRAMM):

S. 423. A bill to amend the Caribbean Basin Economic Recovery Act to establish a center to study and support improved trade and economic relations among Western Hemisphere countries; to the Committee on Finance.

CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE

• Mr. BENTSEN. Mr. President, today I am pleased to introduce a bill which will create the Center for the Study of Western Hemispheric Trade in the State of Texas. The center will be an academic institution studying the present and future implications of trade between the United States and other countries in our hemisphere.

The center will try to draw conclusions about the advantages and disadvantages from trade among countries in North, Central, and South America. For example, it will study how increased trade could help or hurt all segments of our society, from Fortune 500 companies, to entrepreneurs, to working men and women.

I believe now is the time to create the center. We need an objective forum which can analyze recent world events which have complicated doing business in our hemisphere. We already have seen how the European Common Market is already a trading force worldwide. We have seen the United States-Canada Free-Trade Agreement strengthen the global trading power of North America. And we now are entering free trade negotiations with Mexico. These recent events provide us valuable lessons on doing business with our neighbors.

Mr. President, the Center for the Study of Western Hemispheric Trade can teach us those lessons.

The center will be a clearinghouse of information, taking a multidisciplinary approach. It will employ leading scholars in the area of international trade and related areas of study. It will also provide scholarships and fellowships to students interested in these areas.

The center will be affiliated with a Texas university or college. The university or college will be selected by the U.S. International Trade Commission and the Customs Service.

There are good reasons for the center being located in Texas. Texas is the primary bridge through which Latin America does business with the United States. For example, in 1989 approximately one-half of the \$51 billion in United States-Mexican trade flowed through ports of entry in south Texas. Indeed, more imports from Mexico, and exports to Mexico, pass through Texas than any other State. This last fact is not surprising when you consider that the Texas-Mexican border is 889 miles long, the longest border of any State with Mexico.

To create the center, this legislation authorizes \$10 million in funding, for each of the next 3 years. The center will provide information to companies from all over the hemisphere, companies which seek to do business in neighboring countries. The center will charge the businesses for the information and therefore not completely depend on Federal funding. Ideally, the center will pay its own way after only a few years.

Mr. President, the center promises this Nation a good return on the dollars we invest. The principal return is that the United States can develop trading strategies which can mutually benefit our country and neighbors.

I am pleased that my distinguished colleague from the State of Texas, Senator GRAMM, is an original cosponsor of this bill. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 423

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

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) countries in the Western Hemisphere are currently considering more integrated and liberalized trade relations, including free trade agreements, free trade zones, restructured tariffs, debt relief, removal of foreign investment barriers, and other economic measures;

(2) Mexico and the United States have formally announced their plan to negotiate a possible bilateral free trade agreement similar to the agreement between the United States and Canada;

(3) a freer trade environment may improve the economies of Mexico and Latin American and Caribbean countries and in turn remove

incentives for illegal immigration into the United States;

(4) the congressionally appointed Commission for the Study of International Migration and Cooperative Economic Development has recommended that the United States promote economic growth in Mexico, South and Central America, Canada, and the Caribbean, because the Commission believes such growth will decrease illegal immigration into the United States from these regions;

(5) the European economic integration process, which will be completed by 1992, demonstrates the benefits that can be derived if countries trade with and interact economically with other countries in the same hemisphere;

(6) solid economic relationships between the United States and other Western Hemisphere countries involve complex issues which require continuing detailed study and discussion;

(7) the economic interdependency of Western Hemisphere countries requires that a center be established in the southern United States to promote better trade and economic relations among the nations of the Western Hemisphere; and

(8) such a center should be established in the State of Texas because that State is the primary bridge through which Latin America does business with the United States.

(b) PURPOSES.—The purposes of this Act are to—

(1) establish a center devoted to studying and supporting better economic relations among Western Hemisphere countries;

(2) give the center responsibility for studying the short- and long-term implications of freer trade and more liberalized economic relations among countries from North and South America, and from the Caribbean Basin; and

(3) provide a forum where scholars and students from Western Hemisphere countries can meet, study, exchange views, and conduct activities to increase economic relations between their respective countries.

SEC. 2. ESTABLISHMENT OF THE CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE.

The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.) is amended by inserting after section 218 the following new section:

“SEC. 219. CENTER FOR THE STUDY OF WESTERN HEMISPHERIC TRADE.

“(a) ESTABLISHMENT.—The Commissioner of Customs, after consultation with the International Trade Commission (hereafter in this section referred to as the ‘Commission’), is authorized and directed to make a grant to an institution of higher education or a consortium of such institutions to assist such institution in planning, establishing, and operating a Center for the Study of Western Hemispheric Trade (hereafter in this section referred to as the ‘Center’). The Center shall be established not later than December 31, 1992.

“(b) SCOPE OF THE CENTER.—The Center shall be a year-round program operated by an institution of higher education located in the State of Texas (or a consortium of such institutions), the purpose of which is to promote and study trade between and among Western Hemisphere countries. The Center shall conduct activities designed to examine negotiation of free trade agreements, adjusting tariffs, reducing nontariff barriers, improving relations among customs officials, and promoting economic relations among countries in the Western Hemisphere.

“(c) CONSULTATION; SELECTION CRITERIA.—The Commissioner of Customs and the Com-

mission shall consult with appropriate public and private sector authorities with respect to planning and establishing the Center. In selecting the appropriate institution of higher education, the Commissioner of Customs and the Commission shall give consideration to—

"(1) the institution's ability to carry out the programs and activities described in this section; and

"(2) any resources the institution can provide the Center in addition to Federal funds provided under this program.

"(d) PROGRAMS AND ACTIVITIES.—The Center shall conduct the following activities:

"(1) Provide forums for international discussion and debate for representatives from countries in the Western Hemisphere regarding issues which affect trade and other economic relations within the hemisphere.

"(2) Conduct studies and research projects on subjects which affect Western Hemisphere trade, including tariffs, customs, regional and national economics, business development and finance, production and personnel management, manufacturing, agriculture, engineering, transportation, immigration, telecommunications, medicine, science, urban studies, border demographics, social anthropology, and population.

"(3) Publish materials, disseminate information, and conduct seminars and conferences to support and educate representatives from countries in the Western Hemisphere who seek to do business with or invest in other Western Hemisphere countries.

"(4) Provide grants, fellowships, endowed chairs, and financial assistance to outstanding scholars and authorities from Western Hemisphere countries.

"(5) Provide grants, fellowships, and other financial assistance to qualified graduate students, from Western Hemisphere countries, to study at the Center.

"(e) DEFINITIONS.—For purposes of this section—

"(1) WESTERN HEMISPHERE COUNTRIES.—The terms 'Western Hemisphere countries', 'countries in the Western Hemisphere', and 'Western Hemisphere' mean Canada, the United States, Mexico, countries located in South America, beneficiary countries (as defined by section 212), Commonwealth of Puerto Rico, and the United States Virgin Islands.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(f) FEES FOR SEMINARS AND PUBLICATIONS.—Notwithstanding any other provision of law, a grant made under this section may provide that the Center may charge a reasonable fee for attendance at seminars and conferences and for copies of publications, studies, reports, and other documents the Center publishes. The Center may waive such fees in any case in which it determines imposing a fee would impose a financial hardship and the purposes of the Center would be served by granting such a waiver."

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$10,000,000 for fiscal year 1992, and such sums as may be necessary in the 3 succeeding fiscal years to carry out the purposes of this Act.*

By Mr. MITCHELL (for Mr. CRANSTON) (By request):

S. 424. A bill to amend title 38, United States Code, to expand eligibility for readjustment counseling services

furnished by the Department of Veterans Affairs to veterans who are serving in "Operation Desert Storm" or who served during other periods of armed hostilities after the Vietnam era; to the Committee on Veterans' Affairs.

ELIGIBILITY FOR READJUSTMENT COUNSELING SERVICES

Mr. MITCHELL. Mr. President, as Members of the Senate are aware, Senator CRANSTON is unable to be here today because he is recovering from treatment for cancer. Thus, I am submitting for him the following statement on S. 424.

• Mr. CRANSTON. Mr. President, the majority leader, Mr. MITCHELL, today introduced for me, as chairman of the Veterans' Affairs Committee, and, by request, S. 424, a bill to amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in Operation Desert Storm or who served during other periods of armed hostilities after the Vietnam era. The Secretary of Veterans Affairs submitted this legislation by letter dated January 29, 1991, to the President of the Senate.

The introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the January 29, 1991, transmittal letter and the enclosed analysis of the proposed bill.

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

S. 424

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. Section 612A(2) is amended to read as follows:

(a)(1) Upon the request of any veteran who served on active duty during the Vietnam era, or who served on active duty after May 7, 1975, in an area during a period in which hostilities (as defined paragraph (2) of this subsection) occurred in such area, the Secretary shall, within the limits of Department of Veterans Affairs facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological

problems associated with readjustment to civilian life.

(2) For the purposes of this subsection, the term "hostilities" means a situation in which members of the Armed Forces were, as determined by the Secretary in consultation with the Secretary of Defense, subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in battle with the enemy during a period of war.

THE SECRETARY OF VETERANS AFFAIRS,

Washington, DC, January 29, 1991.

HON. DAN QUAYLE,

President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in 'Operation Desert Storm,' or who served during other periods of armed hostilities that it may be considered for enactment.

Under current law, eligibility for readjustment counseling services offered by the Department of Veterans Affairs (VA) is limited to veterans of the Vietnam era. The draft bill would amend section 612A(a) of title 38 to extend eligibility for these services to veterans who served after the Vietnam era (May 7, 1975) during a period of hostilities, such as existed in Lebanon, Grenada, or Panama or as currently exists in the Persian Gulf region. A period of "hostilities" would be defined as a situation in which members of the Armed Services were, as determined by the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in battle during a period of war.

Since its inception 11 years ago, the VA Readjustment Counseling Service has been effective in providing a broad range of counseling and outreach services to over a million veterans and family members for post-traumatic stress disorder (PTSD) and other war-related readjustment difficulties. The effectiveness of these unique services, provided in community based "Vet Centers," is reflected in the high regard for them that has been expressed by veterans, family members, local community institutions, and the media.

Readjustment counseling is provided in local multi-service counseling centers designed specifically to avoid any implication of mental illness on the part of those seeking help. These centers are well known, particularly among combat veterans, as a "referral point" into the VA health-care system. The staff includes many combat veteran counselors and other mental health professionals who have personal familiarity with wartime services and post-war readjustment. Many have years of experience in providing services to war veterans. They are expert in assisting veterans in finding the services they need, whether at the Vet Center itself, at another VA health-care facility or elsewhere in the community.

The counseling model for the program comprises a brief, short-term rehabilitation and recovery-oriented outlook. The mix of services includes counseling for post-traumatic stress disorder (PTSD), outreach, employment, educational, and family matters, with a focus on early return to civilian life. The services provided in Vet Centers are considerably less expensive than other types of services pertaining to PTSD. Most signifi-

cantly, the services avert some chronic problems in the war veteran population.

In the case of personnel returning from the Persian Gulf area, very clearly readjustment counseling intervention would tend to prevent entrenchment of PTSD symptoms, thus helping prevent chronicity and long-term difficulties, such as have been seen in many Vietnam War veterans. Although the numbers of other post-Vietnam era veterans who have served during a period of hostilities are small, some of them share the same kinds of difficulties.

We believe that veterans who served during periods of combat since the Vietnam War, and particularly those now serving in the Persian Gulf area, may also need readjustment counseling services and would benefit from the VA program. Therefore, we strongly favor the enactment of this bill, which would provide them with eligibility for these services.

We estimate that the cost of this bill would be \$1.4 million in this fiscal year, and \$4.4 million over five fiscal years.

The Office of Management and Budget advises that there is no objection from the standpoint of the administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,

EDWARD J. DERWINSKI.

ANALYSIS OF PROPOSED BILL

The draft bill would amend section 612A(a) of title 38, United States Code, to expand eligibility for readjustment counseling services by the Department of Veterans Affairs to veterans who served (May 7, 1975) during a period of hostilities after the end of the Vietnam era.

The term "hostilities" is defined as a situation in which members of the Armed Forces were, as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Defense, subjected to danger from armed conflict comparable to the danger to which members of the Armed Forces have been subjected in battle with the enemy during a period of war.●

By Mr. MITCHELL (for Mr. CRANSTON) (by request):

S. 425. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS

Mr. MITCHELL. Mr. President, as Members of the Senate are aware, Senator CRANSTON is unable to be here today because he is recovering from treatment for cancer. Thus, I am submitting for him the following statement on S. 425.

● Mr. CRANSTON. Mr. President, the majority leader, Mr. MITCHELL, today introduced for me, as chairman of the Veterans' Affairs Committee, and, by request, S. 425, the proposed Soldiers' and Sailors' Civil Relief Act Amendments of 1991. The general counsel of the Department of Defense transmitted this legislation by letter dated January 25, 1991, to the President of the Senate.

The introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—

all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the January 25, 1991, transmittal letter.

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

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SECTION 1. COMMUNICATIONS CONSTITUTING AN APPEARANCE.

(a) The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is amended at section 201 (50 U.S.C. App. 521) by adding at the end thereof: "An application for a stay of proceedings pursuant to this section shall not constitute an appearance for any purpose."

(b) The amendment made by this section shall be effective for judgments issued on or after the date of enactment of this Act.

SEC. 2. REVISION OF RENT LEVELS.

(a) Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940, (50 U.S.C. App. 530) as amended, is amended:

(i) at subsection (1) by striking out "\$150 per month" and substituting in lieu thereof the following "\$811 per month or such other amount as may be prescribed in regulations implementing subsection (4)"; and

(ii) at subsection (4) by striking "Secretary of the Army, the Secretary of the Navy, or the Secretary of the Treasury" and inserting in lieu thereof, "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy," and by adding the following at the end of such subsection (4): "The Secretaries concerned annually shall promulgate changes in limitation in the amount of the 'agreed rent' described in subsection (1) of this section after considering changes in the Consumer Price Index-Urban regarding residential rent published periodically by the Department of Labor."

(b) The amendments made by this section shall be effective for evictions or distress initiated on or after the date of enactment of this Act.

SEC. 3. PROHIBIT ADVERSE ACTIONS.

(a) The Soldiers' and Sailors' Civil Relief Act of 1940, (50 U.S.C. App. 590 et. seq., as amended) is amended by adding at the end the following new section:

"§ 702. Prohibited Adverse Actions

"The exercise of rights and the receipt of benefits provided by this Act regarding obligations, liabilities, taxes, fines, penalties, and insurance shall not be—

(1) considered to reflect adversely on the ability of a person in military service to satisfy such obligations, liabilities, taxes, fines, penalties, and insurance;

(2) the basis for adverse reports to a credit reporting or any other organization regarding such persons; or

(3) a basis for denying credit to such persons."

SEC. 4. EFFECTIVE DATE.

Amendments made by this Act, unless otherwise provided herein, shall be effective on the date of enactment of this Act.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, January 25, 1991.

HON. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Attached is draft legislation "To amend the Soldiers' and Sailors' Civil Relief Act of 1940."

This proposal is part of the Department of Defense Legislative program for the 102nd Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for consideration of the Congress.

PURPOSE OF THE LEGISLATION

The President's activation of Reserve Forces in support of military operations in the Middle East has demonstrated a need to clarify and update certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. section 501 et. seq.). This proposal addresses as problems regarding military members informal communications with the courts, inadequacies in protection from eviction, and protection from adverse actions by creditors.

LEGAL PROCEEDINGS

Current law permits members to reopen default judgments under certain circumstances. These remedies are limited to judgments where members on active duty have not made an appearance. The Act also permits members to petition courts for a stay of civil proceedings. Where a stay is requested, it is granted unless the court finds that the member's ability to prosecute or defend an action is not materially affected by the member's military.

The problem arises when a member receives notice of a pending action but is unable to make an appearance. Frequently, members will communicate with the court and request a stay of proceedings pursuant to the Act. Some courts have determined that the member's military service did not materially affect the member's ability to participate, and proceeded to judgment, often without the member's presence. In at least one reported case, the court considered a request for a stay of proceedings as an appearance depriving the member of the opportunity to reopen the de facto default.

To resolve this problem, the legislative proposal would amend current law to prevent an application for a stay of proceedings from being construed as an appearance for any purpose.

RENT LEVELS FOR EVICTION PROTECTION

Current law provides protection from eviction of dependents if rental expenses do not exceed \$150 and provides no protection if expenses are in excess of this amount. This rent level was last revised in 1966 and is no longer adequate to provide meaningful protection. The Department has determined that the average rental expense of enlisted members and junior officers (reservists) with dependents is \$811.00 and is a more appropriate level of protection. The proposal also would require the Secretaries concerned annually to promulgate adjustments in the rent level, after considering the Consumer Price Index-Urban for rental expenses, as promulgated by the Bureau of Labor Statistics.

PROHIBITED ADVERSE ACTIONS

Current law provides protections and procedures to assist members experiencing financial difficulties as a result of their military service. Notwithstanding current law, there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act.

This legislation prevents a member's reliance on financial remedies, safeguards, and limitations from being considered adversely on a member's ability to satisfy just debts. Adverse reports to credit agencies are also prohibited.

MAXIMUM RATE OF INTEREST

This draft bill does not amend the section in current law that establishes a maximum rate of interest of 6 percent for all obligations and liabilities of a service member, as long as they were undertaken before entering military service, and as long as the service member's ability to pay a higher interest rate is materially affected by military service. Questions have arisen concerning the 6 percent interest rate. For example, is the unpaid interest forgiven or merely postponed until after completion of military service? Whether the 6 percent interest rate is compound or simple interest is not addressed in current law. Finally, there is some concern as to the appropriateness of a 6 percent interest rate cap, which was established in 1942, at a time when mortgage interest rates were about 4 to 5 percent and the prime lending rate was 1.5 percent. Obviously, interest rates were significantly lower than they are today.

We will study these issues to determine if the interest rate cap should be changed to provide the intended protection within the context of current market conditions, along with studying the other issues related to the 6 percent rate.

COST AND BUDGET DATA

This proposal requires no Department of Defense expenditure and has no impact on the Federal budget.

The Department of Defense recommends that the Congress enact this proposed legislation.

Sincerely,

TERRENCE O'DONNELL.●

By Mr. MITCHELL (for Mr. CRANSTON):

S. 426. A bill for the relief of Abby Cooke; to the Committee on the Judiciary.

RELIEF OF ABBY COOKE

● Mr. CRANSTON. Mr. President, this is a private relief bill on behalf of Mrs. Abby Cooke, a citizen of Taiwan, which is being reintroduced today. Mrs. Cooke is the widow of Timothy A. Cooke, a Vietnam veteran and Peace Corps volunteer, and the mother of a 5-year-old daughter, Kathryn Sun Cooke, who is a United States citizen.

Mrs. Cooke became a widow in August 1985, when her husband died of lung cancer at the age of 39 in San Gabriel, CA. They had been married for only 1 year when Mr. Cooke was diagnosed with the fatal disease and they decided to relocate to California for Mr. Cooke to seek treatment and to be closer to his family.

Mr. and Mrs. Cooke met in Taipei, Taiwan where Mr. Cooke was teaching English and studying Chinese. They were married in Taiwan on April 22, 1984, and again in San Gabriel, CA, on August 27, 1985, 2 days prior to Mr. Cooke's death. Mr. Cooke also signed his wife's permanent residency petition, but it was not filed prior to his death. Like many other couples, the Cookes had assumed that a marriage ceremony in the United States and the signed petition were sufficient to assure Mrs. Cooke of U.S. permanent residency. Mrs. Cooke soon learned the unfortunate fact that these actions had been invalidated by her husband's death.

Mrs. Cooke and her daughter have been residing in Alhambra, CA, with Mr. Cooke's parents since their arrival in the United States. Mr. and Mrs. Cooke had always intended to return to the United States and raise their daughter here. In fact, they had planned to return to California in June 1985, as soon as Mrs. Cooke completed her degree in journalism in Taiwan. As the spouse of a U.S. citizen, Mrs. Cooke would have had little difficulty obtaining permanent residency in the United States if her husband had survived. Now, her only alternative to private legislation is to wait until her daughter reaches the age of majority so she can petition on her mother's behalf.

I believe that this is a clear and compelling case for which private legislation is both appropriate and necessary. Mrs. Cooke has no viable alternative and she has arrived at this situation through no fault of her own. I am hopeful that my colleagues will join me in supporting this bill.●

By Mr. THURMOND:

S. 428. A bill to promote and improve efficient and effective enforcement of the antitrust laws; to the Committee on the Judiciary.

ANTITRUST REMEDIES IMPROVEMENTS ACT

Mr. THURMOND. Mr. President, the bill which I am introducing today, the Antitrust Remedies Improvement Act of 1991, provides for reform of the treble damage rule in antitrust cases by limiting treble damage recovery to those situations in which persons, including the United States, have been overcharged or underpaid by reason of a Sherman Act violation. In all other instances, persons who sue and prove an antitrust violation will still be fully compensated, but they will no longer recover treble damages. Their recovery will be limited to actual damages.

Mr. President, I believe the changes proposed by this legislation are long overdue. We have recently celebrated the 100th anniversary of the Sherman Act. Surely it is appropriate to reflect on the experience that we have accumulated over the years, to reexamine the effect of our antitrust laws, and to refine and reform them where appro-

appropriate. In this instance, I believe it is appropriate to reform the treble damage remedy.

As I have noted on many occasions, the treble damage rule is the dominant feature of the current system of private antitrust remedies. Its purpose is to provide a strong deterrent to clearly anticompetitive practices and to offer incentives to plaintiffs to detect and challenge such practices. However, the antitrust laws can be used to challenge some types of practices that may be procompetitive or anticompetitive, depending upon the particular circumstances. In these instances, if a court concludes that the challenged conduct is in fact anticompetitive, the responsible parties should be held liable, but, in my view, excessive damages, such as treble damages, are inappropriate. The treble damage remedy in these cases promotes abuse of the antitrust laws by inefficient firms that threaten treble damage lawsuits and stifle their more efficient competitors.

The Antitrust Remedies Improvement Act will continue to deter patently anticompetitive conduct. Victims of clearly harmful behavior, often consumers or small businesses, will have strong incentives to discover and challenge this conduct. Furthermore, to insure a fully compensatory remedy, automatic prejudgment interest on actual damages will be awarded whenever damages are not trebled.

Mr. President, the issue of detrebling damages, that is, awarding only actual damages for antitrust violations, is not a new one. Within the last 8 years, the Congress has enacted three antitrust statutes that either detrebled, or eliminated, antitrust damage recoveries. The Export Trading Company Act of 1982 provides only for actual damages in certain circumstances, if export activities are found to be anticompetitive. Likewise, the National Cooperative Research Act of 1984 also provides only for actual damages if joint research and development activities are found to be anticompetitive. Finally, the Local Government Antitrust Act of 1984 eliminated damage recovery altogether in antitrust suits challenging activity by local government entities.

In addition to detrebling antitrust damages, the legislation which I am proposing today provides for the award of defendants' attorneys' fees to a "substantially prevailing defendant" if the plaintiff's conduct was "frivolous, unreasonable, without foundation, or in bad faith." Like the detrebling provisions, this proposal will act to deter frivolous antitrust lawsuits that serve more to impede competition than to encourage it. The concept of defendants' attorneys' fees in antitrust cases is not a new one; the National Cooperative Research Act contains a similar provision.

Mr. President, I firmly believe that it is time for us to take a fresh look at

our antitrust laws, and especially at the antitrust damage structure which has been in existence for over 100 years. I have introduced this legislation several times now because I believe it is a needed reform that will enhance our competitiveness, both at home and abroad, without doing harm to the underlying principles of the antitrust laws. I urge my colleagues to support this legislation.

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. 428

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

SECTION 1. This Act may be cited as the "Antitrust Remedies Improvements Act of 1991".

SEC. 2. Subsection (a) of section 4 of the Clayton Act (15 U.S.C. 15(a)) is amended to read as follows:

"(a) Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States in the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover actual damages by him sustained, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to fully compensate such person for the injury sustained, on such actual damages for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee: *Provided*, That except as provided in subsection (b), damages sustained by reason of such person having been overcharged or underpaid by any person subject to liability under the Sherman Act (15 U.S.C. 1-8) for such damages shall be trebled: *And provided further*, That prejudgment interest under this section on actual damages that are trebled shall be recovered only if, pursuant to a motion by the injured person promptly made, the court finds that the award of all or part of such interest is just in the circumstances, taking into consideration only—

"(1) whether such person or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay, or otherwise acted in bad faith;

"(2) whether, in the course of the action involved, such person or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

"(3) whether such person or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof."

SEC. 3. Section 4A of the Clayton Act (15 U.S.C. 15a) is amended to read as follows:

SEC. 4A. Whenever the United States is injured in its business or property by reason

of anything forbidden in the antitrust laws it may sue therefor in the United States district court for the district in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover actual damages by it sustained, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to fully compensate the United States for the injury sustained, on such actual damages for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, unless the court finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit: *Provided*, That damages sustained by reason of the United States having been overcharged or underpaid by any person subject to liability under the Sherman Act (15 U.S.C. 1-8) for such damages shall be trebled. *And provided further*, That prejudgment interest under this section or actual damages that are trebled shall be recovered only if, pursuant to a motion by the United States promptly made, the court finds that the award of all or part of such interest is just in the circumstances, taking into consideration only—

"(1) whether the United States or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay, or otherwise acted in bad faith;

"(2) whether, in the course of the action involved, the United States or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

"(3) whether the United States or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof."

SEC. 4. Paragraph (a)(2) of section 4C of the Clayton Act (15 U.S.C. 15c(a)(2)) is amended by striking the second sentence and inserting in lieu thereof the following: "The court may award under this paragraph, pursuant to a motion by such State promptly made, interest calculated at the rate specified in section 1961 of title 28, United States Code, or at such other rate as the court finds to be fair to compensate natural persons in such State for the injury sustained, on such total damage for the period beginning on the earliest date for which injury can be established and ending on the date of judgment, if the court finds that the award of all or part of such interest is just in the circumstances."

DEFENDANTS' ATTORNEYS' FEES

SEC. 5. Section 4 of the Clayton Act (15 U.S.C. 15) is amended by adding after subsection (c) the following new subsection:

"(d) In any action under this section, the court shall award the cost of suit, including a reasonable attorney's fee, to a substantially prevailing defendant upon a finding that the plaintiff's conduct was frivolous, unreasonable, without foundation, or in bad faith."

SEC. 6. Section 16 of the Clayton Act (15 U.S.C. 26) is amended by adding at the end thereof the following: "In any action under this section in which the defendant substantially prevails, the court shall award to such defendant the cost of suit, including a reasonable attorney's fee, upon a finding that the plaintiff's conduct was frivolous, unrea-

sonable, without foundation, or in bad faith."

EFFECTIVE DATE

SEC. 7. The provisions of this Act shall apply to all actions commenced after the date of enactment of this Act.

By Mr. SPECTER (for himself, Mr. BRADLEY, Mr. KASTEN, Mr. WARNER, Mr. BURDICK, Mr. THURMOND, Mr. LEVIN, Mr. RIEGLE, Mr. DOLE, Mr. GARN, Mr. LAUTENBERG, Mr. SARBANES, and Mr. PRESSLER):

S.J. Res. 72. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week"; to the Committee on the Judiciary.

NATIONAL REHABILITATION WEEK

Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the week of September 15, 1991, as National Rehabilitation Week.

National Rehabilitation Week provides us an opportunity to celebrate the victories and determination of the more than 36 million disabled people in America. It is also a time to salute and recognize the dedicated health care professionals who provide rehabilitation care and to call attention to the unrealized needs of our Nation's disabled citizens.

As my colleagues know, there are significant areas where the needs of individuals with disabilities have not been met. Reports indicate that strokes, amputations, brain injuries, birth defects, serious illnesses, or other injuries affect one-third of our Nation's population. Experts estimate that 66 percent of those people never seek rehabilitation assistance. The widespread importance of rehabilitation is further evidenced by reported statistics that one out of every two Americans will need some form of rehabilitation therapy in his or her lifetime.

As the ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I am particularly concerned that we continue to work toward providing sufficient resources to help the disabled. Therefore, for the benefit of all American citizens, National Rehabilitation Week would provide a forum for education and promotion of a broader awareness of the effective resources that rehabilitation facilities provide.

As my colleagues will recall, last year I introduced this resolution to designate the third week of September 1990, as National Rehabilitation Week. We were fortunate to enact that resolution last year, and I am pleased to report that the country celebrated in recognizing our disabled citizens' inspiring determination to defy great odds and overcome disabilities.

I am pleased that my own State of Pennsylvania is home to the headquarters of one of the largest providers

of health care services in the United States—Allied Services. Allied provides a community of resources for the physically and mentally disabled, the elderly, and the chronically ill.

Having personally toured Allied Services' facilities in Scranton, PA, I have seen firsthand the important contributions that such rehabilitation services provide. Since 1976, Allied has led the country in celebrating Rehabilitation Week. As part of this week, Allied has honored exceptional individuals for their commendable personal accomplishments and their work on behalf of the disabled. Past recipients have included Press Secretary to President Reagan, James S. Brady, pitcher of the California Angels, Jim Abbott, internationally renowned violinist, Itzhak Perlman, and Rick Hansen, who traveled 25,000 miles by wheelchair throughout Europe and the United States.

This annual effort to focus attention on the courage and determination of the disabled and on the valiant and successful efforts of those professionals who are working to help them is, indeed, worthy of national attention and praise.

Mr. President, I can think of no nobler nor more estimable task than endeavoring to restore disabled individuals to independent, productive, and fulfilling lives. All who are engaged in these efforts have my admiration and respect.

Accordingly, I urge my colleagues to join me in support of the disabled person and the dedicated professional, both of whom personify the philosophy that disabilities can be turned into possibilities and successes.

Mr. President, I ask unanimous consent that the joint 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. 72

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possi-

bilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That—

(1) the week of September 15, 1991, through September 21, 1991, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

By Mr. SPECTER (for himself, Ms. MIKULSKI, Mr. DODD, Mr. METZENBAUM, Mr. GORTON, Mr. RIEGLE, and Mr. CONRAD):

S. J. Res. 73. Joint resolution designating October 1991 as "National Domestic Violence Awareness Month"; to the Committee on the Judiciary.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate October 1991 as National Domestic Violence Awareness Month. This resolution is the successor of two Senate joint resolutions, both of which I introduced in the 101st Congress with Senator MIKULSKI, making National Domestic Violence Awareness Month public law in 1989 and 1990.

According to the U.S. Department of Justice, 93 percent of the victims of violent crimes from 1982-84, where the offender is a relative, were females. In 1984, U.S. Surgeon General C. Everett Koop reported that domestic violence is the single largest cause of injury to women in the United States.

Domestic violence affects urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles. Therefore, it is fitting that we focus attention on the growing national tragedy of domestic violence, and demonstrate our support for those individuals and organizations working to address it.

Mr. President, the incidence of domestic violence nationwide is staggering. According to the National Coalition Against Domestic Violence, over 50 percent of all married women experience some form of physical abuse in their relationships. But the violence does not end there. A 1984 independent study by Ms. Lenore Walker, author of "The Battered Woman Syndrome," found that 53 percent of abusive husbands beat their children as well as their wives, and that this violence is frequently repeated. During 1987, the

National Coalition members provided shelter to more than 375,000 women and children from their unsafe homes. More disconcerting, however, is that 40 percent of women and children seeking shelter in 1987 were turned away due to a lack of space.

In my own State of Pennsylvania, the incidence of domestic violence is especially acute. In 1989, hotlines throughout the Commonwealth handled 141,383 abuse-related calls. The Pennsylvania Coalition Against Domestic Violence, headquartered in Harrisburg, PA, operates 44 shelters, 6 counseling centers and safehomes, and 57 hotlines throughout the Commonwealth. The Pennsylvania Coalition reports that in 1989, these facilities provided services to 70,031 persons, 57,912 of whom were victims of domestic abuse. The coalition members also provided 408,037 hours of counseling to victims and their children, and 166,175 shelter days to battered individuals.

Statistics show that there is a growing need for such facilities. The Pennsylvania Coalition reported an 11-percent increase in the number of shelter recipients in 1989. The total number of victims seeking aid is expected to continue increasing.

Unfortunately, despite these extensive efforts, existing shelters are as yet unable to meet the needs of all the victims. The Pennsylvania Coalition reported that in 1989, shelters were forced to turn away 8,940 women and children—an increase of over 11.1 percent over last year's rejection rate. According to national statistics provided by the National Coalition Against Domestic Violence, for every woman sheltered, two women in need of shelter must be turned away due to lack of space.

Mr. President, I long have been concerned about the devastating effects of domestic violence on American families. As the former district attorney of Philadelphia, I have witnessed firsthand the tragic consequences of domestic abuse cases. Accordingly, I commend the efforts of the Pennsylvania Coalition Against Domestic Violence, the National Coalition Against Domestic Violence, the National Network for Victims of Sexual Assault, the Pennsylvania Junior League, and similar organizations that take such an active role in combating domestic abuse.

I urge my colleagues to join us in cosponsoring this resolution to designate October 1991 as National Domestic Violence Awareness Month to focus attention on the pressing needs of domestic violence victims.

Mr. President, I ask unanimous consent that the joint 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. 173

Whereas it is estimated that a woman is battered every fifteen seconds in America;

Whereas domestic violence is the single largest cause of injury to women in the United States, affecting six million women;

Whereas urban and rural women of all racial, social, religious, ethnic, and economic groups, and of all ages, physical abilities, and lifestyles are affected by domestic violence;

Whereas 31 percent of female homicide victims in 1988 were killed by their husbands or boyfriends;

Whereas one-third of the domestic violence incidents involve felonies, specifically, rape, robbery and aggravated assault;

Whereas in 50 percent of families where the wife is being abused, the children of that family are also abused;

Whereas some individuals in our law enforcement and judicial systems continue to think of spousal abuse as a "private" matter and are hesitant to intervene and treat domestic assault as a crime;

Whereas in 1987, over 375,000 women, plus their children, were provided emergency shelter in domestic violence shelters and safe homes and the number of women and children that were sheltered by domestic violence programs increased by 164,000 between 1983 and 1987;

Whereas 40 percent of women in need of shelter may be turned away due to a lack of shelter space;

Whereas the nationwide efforts to help the victims of domestic violence need to be expanded and coordinated;

Whereas there is a need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children; and

Whereas the dedication and successes of those working to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1990 is designated as "National Domestic Violence Awareness Month." The President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month by becoming more aware of the tragedy of domestic violence, supporting those who are working to end domestic violence, and participating in other appropriate efforts.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DOLE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 15

At the request of Mr. BIDEN, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 33, a bill to establish the Social Security Administration as an independent agency, and for other purposes.

S. 88

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code, of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 89

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 89, a bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals.

S. 144

At the request of Mr. MCCAIN, the names of the Senator from Indiana [Mr. LUGAR], and the Senator From Vermont [Mr. LEAHY] were added as cosponsors of S. 144, a bill to protect the natural and cultural resources of the Grand Canyon and Glen Canyon.

S. 165

At the request of Mr. HOLLINGS, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 165, a bill entitled the "Legislative Line Item Veto Separate Enrollment Authority Act."

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. WIRTH], the Senator from Delaware [Mr. BIDEN], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 167, supra.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 223

At the request of Mr. MCCONNELL, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 223, a bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 243

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 243, a bill to revise and extend the Older Americans Act of 1965, and for other purposes.

S. 254

At the request of Mr. MCCONNELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 254, a bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor.

S. 256

At the request of Mr. DASCHLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 256, a bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve.

S. 267

At the request of Mr. REID, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 283

At the request of Mr. KOHL, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 283, a bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available.

At the request of Mr. KOHL, the name of the Senator from Pennsylvania [Mr. SPECTER] was withdrawn as a cosponsor of S. 283, supra.

S. 307

At the request of Mr. RIEGLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 307, a bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account

or annuity to purchase their first home, and for other purposes.

S. 308

At the request of Mr. MITCHELL, the names of the Senator from Florida [Mr. MACK], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 308, *supra*.

S. 313

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 313, a bill to carry out obligations of the United States under the U.N. Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extra judicial killing.

S. 327

At the request of Mr. BOREN, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Dakota [Mr. BURDICK], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 338

At the request of Mr. DANFORTH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 338, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the sale of any international airline route.

S. 349

At the request of Mr. BUMPERS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 349, a bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes.

S. 353

At the request of Mr. JEFFORDS, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 353, a bill to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes.

S. 354

At the request of Mr. KASTEN, the name of the Senator from New York

[Mr. D'AMATO] was added as a cosponsor of S. 354, a bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Shield.

S. 355

At the request of Mr. KASTEN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 355, a bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Shield.

S. 377

At the request of Mrs. KASSEBAUM, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 377, a bill to amend the International Air Transportation Competition Act of 1979.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of 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.

SENATE JOINT RESOLUTION 53

At the request of Mr. GRAHAM, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. BENTSEN], the Senator from Utah [Mr. GARN], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Mississippi [Mr. COCHRAN], were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 55

At the request of Mr. PELL, the names of the Senator from California [Mr. CRANSTON], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Mr. SARBANES], the Senator from New York [Mr. MOYNIHAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. AKAKA], the Senator from Michigan [Mr. RIEGLE], the Senator from Connecticut [Mr. DODD], the Senator from Hawaii [Mr. INOUE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. PACKWOOD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Vermont [Mr. LEAHY], the Senator from Utah [Mr. HATCH], the Senator from Wisconsin [Mr. KASTEN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Minnesota [Mr. DURENBERGER], were added as cosponsors of Senate Joint Resolution 55, a joint resolution commemorating the 200th Anniversary of United States-Portuguese Diplomatic Relations.

SENATE JOINT RESOLUTION 56

At the request of Mr. KASTEN, the name of the Senator from Ohio [Mr. GLENN] 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 64

At the request of Mr. BRADLEY, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 64, a joint resolution to authorize the President to proclaim the last Friday of April as "National Arbor Day."

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. STEVENS], the Senator from North Dakota [Mr. CONRAD], the Senator from Washington [Mr. GORTON], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Tennessee [Mr. GORE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Arizona [Mr. DECONCINI], were added as cosponsors of Senate Joint Resolution 67, a joint resolution to recognize and commemorate the centennial of the Immigration and Naturalization Service.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DECONCINI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to encourage the Angolan Peace Talks.

SENATE RESOLUTION 17

At the request of Mr. SYMMS, the names of the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], and the Senator from Alaska [Mr. STEVENS], were added as cosponsors of Senate Resolution 17, a resolution to express the sense of the Senate in support of "Operation Homefront."

S. 393

At the request of Mr. HEFLIN, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of 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.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mr. CRANSTON], the Senator from North Dakota [Mr. BURDICK], the Senator from Utah [Mr. GARN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of 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.

S. 416

At the request of Mr. DANFORTH, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Hawaii [Mr. INOUE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 416, a bill to amend the Internal Revenue Code of 1986 to make permanent the tax credit for increasing research activities.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the names of the Senator from Illinois [Mr. SIMON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month".

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedom Foundation at Valley Forge.

SENATE JOINT RESOLUTION 45

At the request of Mr. REID, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 45, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Dakota [Mr. CONRAD], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from New York [Mr. D'AMATO] 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 50

At the request of Mr. BRADLEY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to designate April 6, 1991, as "National Student-Athlete Day".

SENATE RESOLUTION 56—AUTHORIZING REPRINTING OF "WASHINGTON'S FAREWELL ADDRESS TO THE PEOPLE OF THE UNITED STATES"

Mr. SARBANES (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 56

Resolved, That Senate Document Numbered 5, Ninety-Sixth Congress, First Session, entitled "Washington's Farewell Address to the People of the United States", be reprinted as a Senate Document; and that there be printed one thousand additional copies of such document for the use of the Senate.

SENATE RESOLUTION 57—RELATIVE TO EXPEDITIOUS CONSIDERATION AND APPROVAL OF THE PRESIDENT'S 1991 SUPPLEMENTAL APPROPRIATIONS REQUEST TO REMOVE LIMITATION ON THE EXPORT ENHANCEMENT PROGRAM BONUS AWARDS

Mr. DOLE (for himself, Mr. BURDICK, Mr. COCHRAN, Mr. BOREN, Mr. PRYOR, Mr. BOND, Mr. BENTSEN, Mrs. KASSEBAUM, Mr. DASCHLE, Mr. HELMS, Mr. BAUCUS, Mr. CRAIG, Mr. BURNS, Mr. PRESSLER, Mr. NICKLES, Mr. MCCONNELL, Mr. GRAMM, Mr. CONRAD, and Mr. KERREY) submitted the following resolution; which was ordered held at the desk by unanimous consent until the close of business on February 20, 1990:

S. RES. 57

Whereas the President's Budget of the United States Government for fiscal year 1992 contains a 1991 supplemental appropriations request which specifically recommends the removal of the current \$425 million spending cap established for the EEP, with the estimated program level for fiscal year 1991 revised to \$900 million.

Whereas the necessary legislative language to meet this request is incorporated in the supplemental appropriations request.

Whereas the EEP enables the United States to challenge the unfair trading practices to competitor exporting countries and encourages trade negotiations to achieve fundamental reforms in world agricultural policies and trading practices.

Whereas the United States Department of Agriculture has already expended approximately \$370 million of the \$425 million made available for the EEP in fiscal year 1991.

Whereas the United States Department of Agriculture projects that EEP funding could be exhausted within the next 2-4 weeks if demand for program funds continues at its current level.

Whereas given world supply/demand conditions for a number of commodities, including wheat, soybean oil, poultry, feed grains, and value-added products, the \$425 million level for EEP bonuses will be insufficient to meet total program requirements during the remainder of the fiscal year.

Whereas a disruption in EEP funding would seriously jeopardize the ability of the United States to be competitive in many key markets, particularly for wheat, and would damage our image as a reliable supplier: Now therefore, be it

Resolved, That it is the Sense of the Senate that

Section 1. The Senate should take immediate action to ensure the ongoing use of the EEP at the time the supplemental appropriations request for fiscal year 1991 comes to the floor.

SEC. 2. If the supplemental appropriations bill is not enacted in a timely manner to maintain ongoing funding of the program, the House and Senate Committees on Appropriations will work to enact separate legislation to provide ongoing funding for the EEP.

SEC. 3. The Senate shall consider all other measures necessary to ensure that there is no disruption in EEP funding for the remainder of fiscal year 1991.

AMENDMENTS SUBMITTED

OMNIBUS EXPORT AMENDMENTS ACT

SPECTER (AND HELMS) AMENDMENT NO. 2

Mr. SPECTER (for himself and Mr. HELMS) proposed an amendment to the bill (S. 320) to reauthorize the Export Administration Act of 1979, and for other purposes, as follows:

At the appropriate place insert the following:

SEC. . CRIMINAL AND CIVIL PENALTIES FOR PRODUCTION, TRANSPORT, OR USE OF BIOLOGICAL OR CHEMICAL WEAPONS WHICH KILL, MAIM OR INJURE U.S. NATIONALS ABROAD.

(1) Section 2331 of title 18, United States Code, is amended as follows:

(a) Delete the "and" at the end of subparagraph (3) and replace the period at the end of subparagraph (4)(C) with "; and";

(b) Add the following at the end of the section:

"(5) An act which knowingly and materially contributes to the production, transport, or use of biological or chemical weapons, or a component thereof, which kill, maim or injure a national of the United States shall be considered an act of 'international terrorism' and shall not constitute an 'act of war.'"; and

(2) Section 2332 of title 18, United States Code, is amended as follows: Delete the period at the end of subparagraph (e) and add instead the phrase "(or constituted an act as defined in section 2331(5))."

SPECTER AMENDMENT NO. 3

Mr. SPECTER proposed an amendment to the bill S. 320, supra, as follows:

At the appropriate place insert the following:

SEC. . TERRORIST DEATH PENALTY ACT OF 1991.

(1) SHORT TITLE.—This section may be cited as the "Terrorist Death Penalty Act of 1991".

(2) DEATH PENALTY FOR TERRORISTS ACTS.—(a) OFFENSE.—Subsection 2332(a) of title 18 of the United States Code is amended to read as follows:

"(a) HOMICIDE.—Whoever kills a person while such person is inside the United States, or kills a national of the United States, while such national is outside the United States, shall—

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;".

(b) DEATH PENALTY.—Section 2332 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) DEATH PENALTY.—

"(1) SENTENCE OF DEATH.—A defendant who has been found guilty of an offense under subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph (3) either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held under paragraph (3), it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(ii) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(iii) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(B) THE JURY, OR IF THERE IS NO JURY, THE COURT, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(B) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(ii) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(I) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(II) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(iii) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(iv) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(v) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(vi) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed

the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(vii) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(viii) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(ix) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(x) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(xi) TYPE OF VICTIM.—The defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(IV) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(aa) while such public servant is engaged in the performance of the public servant's official duties;

"(bb) because of the performance of such public servant's official duties; or

"(cc) because of such public servant's status as a public servant.

For purposes of this clause, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors enumerated in paragraph (2) and any other aggravating factor not specifically enumerated in paragraph (2), that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this paragraph, reconsideration of the sentence under the section is necessary; or

"(iii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(i) any matter relating to any mitigating factor listed in paragraph (2) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2) for which notice has been provided under subparagraph (A)(ii) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be per-

mitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2) of this title found to exist and any other aggravating factor for which notice has been provided under subparagraph (A) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in paragraph (2) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(C) is found to exist the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a

sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this paragraph may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors; it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3) of this title or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this paragraph.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(A) IN GENERAL.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(C) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execu-

tion carried out under this paragraph, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subparagraph, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a series of hearings concerning S. 341, the National Energy Security Act of 1991, have been scheduled before the full committee of the Committee on Energy and Natural Resources. They will all take place in SD-366. Because of the limited time available for the hearings, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record should send two copies to the Committee on Energy and Natural Resources, SD-364, U.S. Senate, Washington, DC 20510.

The hearings are as follows:

TUESDAY, FEBRUARY 26, 1991, 9:30 A.M.

Title III and subtitles A and B of title IV concerning provisions pertaining to energy efficiency and renewable energy. Testimony will focus on energy efficiency initiatives including building energy efficiency standards, labeling, Federal Energy Management, and utility investment in conservation; and renewable energy initiatives including the CORECT program and joint ventures for renewable energy development. For further information, please contact Leslie Black or Al Stayman at 202/224-4971 (energy efficiency and CORECT), or Mary Louise Wagner at 202/224-7570 (renewables R&D).

TUESDAY, FEBRUARY 26, 1991, 2:00 P.M.

Title IV, subtitle C, concerning provisions pertaining to hydropower licensing and efficiency. For further information, please contact Tom Jensen at 202/224-2366.

THURSDAY, FEBRUARY 28, 1991, 9:30 A.M.

Title XI pertaining to transportation. The hearing will focus on the legislation's approach to setting new standards for corporate average fuel economy (CAFE) for the automobile industry. For further information, please contact Karl Hausker at 202/224-3329 or Sam Fowler at 202/224-7569.

TUESDAY, MARCH 5, 1991, 9:30 A.M.

Title XII and Title XIII concerning nuclear energy. Title XII pertains to two demonstration projects aimed at commercializing advanced nuclear reactor technologies. Title XIII clarifies the licensing process for nuclear power plants. For further information, please contact Mary Louise Wagner or Sam Fowler at 202/224-7569.

THURSDAY, MARCH 7, 1991, 9:30 A.M.

Title X and Sections 6003 and 6004. Title X addresses natural gas regulatory issues and Sections 6003 and 6004 pertain to natural gas research, development, demonstration and commercialization activities. For further information, please contact Don Santa at 202/224-4820.

MONDAY, MARCH 11, 1991, 2:00 P.M.

Title VII and Title VIII. Title VII pertains to the Strategic Petroleum Reserve, and Title VIII pertains to Outer Continental Shelf issues. For further information, please contact Patricia Beneke (Outer Continental Shelf) at 202/224-2383 or Karl Hausker (Strategic Petroleum Reserve) at 202/224-3329.

MARCH 12, 1991, 9:30 A.M.

Title IX concerning provisions which authorize a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge in Alaska (ANWR). For further information, please contact Tom Williams at 202/224-7145.

THURSDAY, MARCH 14, 1991, 10:00 A.M. AND 2:00 P.M.

Title XV concerning reform of the Public Utility Holding Company Act of 1935. For further information, please call Bill Conway at 202/224-7149 or Dana Sebren at 202/224-4531.

MONDAY, MARCH 18, 1991, 2:00 P.M.

Title V pertaining to coal and the applicability of new source review to existing electric steam generating units (WEPCo). For further information, please call Lisa Vehmas at 202/224-7555 or Patricia Beneke at 202/224-2383 (coal) or Don Santa at 202/224-4820 (WEPCo).

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the hearing on the administration's national energy strategy has been changed. That hearing, previously scheduled for Tuesday, February 19, 1991, at 2:30 p.m., has been rescheduled for Thursday, February 21, 1991, at 9:30 a.m.

The hearing will take place in room 366 of the Senate Dirksen Office Building in Washington, DC. Witnesses will testify by invitation only.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold an oversight hearing on the Procurement Integrity Act, on Thursday, February 21, 1991, at 9 a.m., in room 342 of the Dirksen Senate Office Building.

Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold an oversight hearing on the Procurement Integrity Act, on Tuesday, February 26, 1991, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee markup on S. 360, the Mili-

tary Reservists Small Business Relief Act. The markup will be held on Wednesday, February 20, 1991, in room 428A of the Russell Senate Office Building and will commence at 2:30 p.m. For further information, please call Patty Forbes of the committee staff at 224-5175.

ADDITIONAL STATEMENTS

LITHUANIAN INDEPENDENCE DAY

• Ms. MIKULSKI. Mr. President, on February 16, 1991, Lithuanians in the United States and around the world celebrated Lithuanian Independence Day. This event commemorates the bravery and strength of the Lithuanians in their drive to establish democracy and an independent republic.

Unfortunately, this year the presence of Soviet troops in the Baltic States has cast a shadow over this anniversary. But those troops have not intimidated the Lithuanians independence movement one bit. On February 9, 90 percent of the Lithuanian people demonstrated their zest for freedom by voting in favor of independence from the Soviet Union in a nationwide plebiscite. This vote was a testimonial to the desire of Lithuanians to possess a democracy of their own and to set their own political, economic, and cultural course. The vote displayed the courage and tenacity that are the pride of Lithuanians all over the world.

The dream of freedom held in Lithuania is reinforced by the Lithuanian community in the United States. Lithuanian-Americans deserve enormous credit for keeping this issue before the Congress and administration and for keeping the dream alive. Through their efforts I have no doubt the dream will someday become a reality. •

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Kevin M. Dempsey, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in Japan, sponsored by the Japan Center

for International Exchange, from February 11-17, 1991.

The committee has determined that participation by Mr. Dempsey in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Patrick Mulloy, a member of the staff of Senator DONALD W. RIEGLE, Jr., to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 11-17, 1991.

The committee has determined that participation by Mr. Mulloy in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.●

EASTERN BLOC CHANGES

● Mr. ROBB. Mr. President, one of my constituents, Rabbi Israel Zoberman of congregation Beth Chaverim in Virginia Beach, VA, has recently published some thoughts arising from a trip to Eastern Europe. I would like to bring them to the attention of my colleagues, and ask that they appear in the CONGRESSIONAL RECORD at the appropriate juncture.

The article follows:

[From the *Virginian-Pilot*, Sept. 11, 1990]
EASTERN BLOC CHANGES DEMAND OUR
ATTENTION

(By Rabbi Israel Zoberman)

Having returned from a 19-day tour of the Soviet Union and Eastern Europe (Yugoslavia, Romania, Hungary), I have been seized by the compelling impressions of visiting a significant part of the world which presently dominates our attention as well as imagination, my birthplace where my own family roots are anchored and where Jews have lived for 1,000 years.

Who can remain neutral when encountering the remnant of a people whose legacy of both pain and creativity is overwhelming? To marvel at the sacred beauty of surviving old synagogues where a heritage has been kept alive and be in neighborhoods where Jews lived and died—yet be exposed to the emptiness their tragic absence leaves behind—is to affirm a transcending will to live and confront the demons of our brutal era that exacted a high toll from humanity in general and the Jewish people in particular.

The current historic massive exodus from the Soviet Union is testimony to a major resolve to place one's destiny within Israel and the United States, reflecting well-grounded skepticism about a viable existence in an enigmatic setting.

I witnessed hopeful signs of transition and freedom, as well as risk, in the heart of the crumbling Soviet empire, and was deeply affected by the lingering marks of the Romanian Revolution in the form of bullet holes on disfigured buildings.

Our local guide proudly displayed the passport he and his wife held as a declaration of individual independence; he also pinpointed the spot he occupied in the square in front of the headquarters of the previous ruling party, where the revolution broke out. Liber-

ated fervor is tempered, though, by a trying reality of economic hardship and political uncertainty.

What a remarkable opportunity the West possesses at this time of crossroads to effectively chart a joint future free of the kind of tension and alienation that has placed the planet in permanent hazard for far too long.

Rather than gleefully appraising the queues for basic necessities and the hunger for lacking commodities that we take for granted, may we not miss a rare and perhaps unrepeatable chance to help direct the fateful course of events in a vast community with a record of contribution to humanity. Infusion of food, materiel and know-how, the forging of economic, educational, cultural and political alliances based on acknowledgment of fears, common interest, mutual appreciation and good will are bound to have a lasting impact.

The present cooperation between the two superpowers in responding to the Middle East crisis provoked by Iraq is a clear manifestation of the post-Cold War altered climate that only a short while ago would have found, in a similar scenario, the United States and the Soviet Union poised to strike at each other.

The pro-democracy and change-oriented forces at work in the Soviet bloc that have gone out on a limb deserve our support. Those who caution restraint, fearing a communist trap and justifiably mindful of the high risk of strengthening a deadly adversary, ought to contemplate the even higher risk of neglecting to take advantage of an inroad of historic proportions into reshaping the global scene and securing a safe world for generations to come. Let us recall the genuine, enthusiastic response evoked during the recent visit of Soviet sailors to Hampton Roads.

One of the benefits of traveling is the gained realization that in spite of different and even opposing political and social systems, human beings conditioned to their own distinct environments are nonetheless members of the same human species and harbor similar visions for their well-being as well as that of their children.●

RECALLING WARTIME AND THE CONSTITUTION

● Mr. SIMON. Mr. President, I rise today to express my thoughts on this, the 49th anniversary of the signing of Executive Order 9066 authorizing the internment of Japanese-Americans.

We as a nation made a grave mistake in the early months of 1942 when we summarily rounded up Japanese-Americans on the west coast simply because of their ancestry. Ultimately, 120,000 Japanese-Americans—77,000 of whom were United States citizens—were sent to relocation camps or forced to leave their homes and possessions.

Throughout the years, the Nation has tried to overcome that experience. Most recently, through the Civil Liberties Act of 1988, Congress and the President formally apologized and began to make payments to Japanese-Americans interned during World War II or to their surviving heirs. Sadly, many of the internees, particularly the elderly, who were perhaps most devastated by the experience, died long before the Government made its amends.

Even today, redress payments have not been made to most of the internees.

In times of war and periods of tension, we have an unfortunate tendency to fail sometimes to live up to our ideals. Today, I am hearing reports about violence directed at American citizens and immigrants from the Middle East inspired by America's anger toward Saddam Hussein.

Forty-nine years after Executive Order 9066, we are perilously close to the fears many in the Nation had about Japanese-Americans. We should not be confusing the enemy abroad with people among us whose only connection with the events overseas is a similar ancestry.

The Arab-American Anti-Discrimination Committee recently reported that hate crimes directed at Arab-Americans have increased markedly since August 2, when Iraq invaded Kuwait. The group reported five hate crimes against Arab-Americans from January to July 1990 but 40 from August to the end of 1990. Since January 16, 1991, there have been another 48 reported acts of violence, harassment, or intimidation against Arab-Americans in this country.

Hate crimes and bigotry are a poison even when we are not at war and they are not unique to the United States. In the city of Chicago, a hate crime is reported about once every 36 hours. The Chicago Defender recently disclosed a city of Chicago report that African-Americans are most often victimized by hate crimes and that anti-Semitic attacks climbed to a record 1,685 last year.

Nationally, the Anti-Defamation League of B'nai B'rith reported that anti-Semitic hate crimes increased by 18 percent last year, the high point in the 12-year history of the league's survey. The Hate Crimes Statistics Act, which I sponsored and Congress passed last year, to require the Attorney General to collect data on crimes motivated by hatred based on race, religion, ethnicity, or sexual orientation, will provide us with systematic numbers about the broader picture of hate crimes in the United States.

Internationally, there is a rise in the number of anti-Semitic books being published. In particular, they have gained an uncomfortable level of legitimacy in Japan. Today's *New York Times*, for example, quotes a literary critic who serves on the board of a Japanese-Israeli friendship association that perhaps as many as 80 percent of residents of Japan hold stereotypes about Jewish people.

Similarly, Indian-Americans are facing hostility and violence from people who think they look like or are Arabs. In Florida, a house was firebombed after the perpetrator warned the family living there to go back to Iraq. The family was Indian. In Fremont, CA, according to reports in *India West news-*

paper, an Indo-American couple who has lived in this country for 21 years began getting harassing telephone calls and physical threats directed at them and their young children. These incidents may or may not be isolated. They do not belong on the American landscape.

Memories of the relocation of Japanese-Americans during World War II have particular significance for me, I lived on the west coast at that time, where the sentiment against Japanese-Americans was particularly intense.

My father, a Lutheran minister, went on a local radio station in Eugene, OR, to explain why he thought the Executive order on internment was wrong. There was a small furor in the community and I can remember being embarrassed by it with my friends. My father was on the extremely unpopular side of things and I wished then he had not done it.

But now as I look back, it is one of the things I am proudest of my father for. It must have taken a great deal of courage for my father to do that. It was a great lesson for me. If you believe something, stand up. If there had been a few more Americans to say, "This is wrong," maybe we would not have perpetrated this horrible deed against so many Japanese-Americans.

When America is at war, we rally together behind our troops and for our country. With equal vigor, we must stand against bigotry and intolerance of fellow Americans.

I ask that the news articles mentioned previously from the Chicago Defender, New York Times, and India West be printed immediately following my remarks.

The articles follow:

[From the Chicago Defender, Feb. 7, 1991]

**HATE CRIME ATTACKS ON UPSWING: 2 GROUPS
MAIN TARGET OF ATTACKS**
(By Chinta Strausberg)

Fifty-one percent of the victims of hate crimes last year were African Americans and the number of anti-Semitic attacks climbed to a record 1,685, according to separate audits.

Reporting the hate crimes for the city were Mayor Richard M. Daley and Clarence N. Wood, commissioner of the Department of Human Relations. The audit states that in Chicago, a hate crime is reported about once every 36 hours.

Blacks represented 51 percent of the hate crimes reported last year, or 108 incidents, with 73 percent of the acts committed by whites.

In contrast, whites were victimized in 51 crimes, or 23 percent. The audit stated blacks attacked whites in 35 reported crimes, or 16 percent, and that blacks were among the attackers in 55 hate crimes.

Wood said the commission received 213 reports of hate crimes last year, up from 185 in 1989, for a 15 percent increase. However, of the city's 77 neighborhoods, 44 communities reported 10 or fewer hate crimes in the last five years.

Hours later, Barry Morrison, regional director of the Anti-Defamation League of B'nai B'rith, held a press conference at the

Spartus College of Judaica, 618 S. Michigan Ave.

While Wood reported anti-Semitic hate crimes jumped from 10 incidents in 1989 to 34 in 1990 partly due to a rise in anti-Israel, pro-Arab attacks on Jewish institutions, Morrison said attacks against Jews are at their highest.

He said nationwide there were 1,685 anti-Semitic incidents, of which 927 were anti-Jewish acts of vandalism and 758 acts of harassment, assaults, or threats against Jews or Jewish institutions.

The vandalism acts included: arson, bombing, cemetery desecrations, and swastika daubings against Jewish institutions, Jewish-owned property and public property. In Illinois, 33 incidents of anti-Jewish vandalism were reported last year compared to 12 in 1989.

Morrison said the audit revealed a "dramatic" rise in campus bigotry with the audit showing a 35 percent increase over 1989 in anti-Semitic acts at U.S. colleges and universities.

In an earlier press conference at City Hall, Wood said of the 51 percent of hate crimes against Blacks, whites were the attackers in half of the reported cases where the offender's race was known.

Wood said hate crimes "scar us all . . . hurt our reputation, demean our soul as a city" and are a "cancer" on society.

According to the report, almost half of the city's hate crimes occurred on the South West Side, Austin and the North lakefront.

Ten communities having the most reported hate crimes between 1986 and 1990 were: Chicago Lawn, Ashburn, New City, Beverly, and Gage Park. Some 19 areas of the South West Side account for 41 percent of the city's reported hate crimes during this period.

The city's audit states that for the fifth straight year, Chicago Lawn, which includes Marquette Park, led the city's number of hate crimes with 20 to date.

Between 1986 and 1990, this community had 126 reported hate crimes—the highest recorded in the city during this time frame.

The Ashburn community had 65 such incidents with 10 hate crimes this year. New City, which includes the Back of the Yards and Canaryville neighborhoods, was second in 1990 having 17 reported incidents.

New City is fourth overall between 1986 and 1990 with 48 incidents. Beverly and Gage Park are included in the 10 highest for the five-year span.

The racially changing community of Austin was third in hate crimes both last year and the 1986-1990 span with 16 such incidents reported this year for a total of 58 overall.

Last year, hate crimes peaked at their highest level compared with similar crimes during the last five years with almost half involving physical battery.

"We have large stretches of our city where people are living in fear and isolation," Wood said. "They face barriers when they try to move into a new neighborhood. Gangs patrol some neighborhoods, tormenting families of certain racial and ethnic groups that they have decided are unwelcome," he stated.

Wood said hate apparently knows no boundaries. "We are seeing a rise in hate crime activity at our schools and among our children with 42 percent of hate crimes offenders being 18 years of age or younger," he said.

Since the Persian Gulf War, Wood said more hate crime incidents against Arabs have been reported. He said 10 such incidents were recorded, and a few were telephone threats.

[From The New York Times, Feb. 19, 1991]

**IN A TIDE OF JAPANESE BOOKS ON JEWS, AN
ANTI-SEMITIC CURRENT**
(By Steven R. Weisman)

TOKYO, February 18.—The Persian Gulf war has led to a boom in book sales on all aspects of the Middle East. And once again among the best sellers are books about a subject that has long held a fascination for Japanese readers: the influence and power of Jews.

The popular titles include dozens of translated versions of standards in the United States and elsewhere. But also selling well, indeed as best sellers in major Tokyo bookstores, are books depicting a Jewish conspiracy to control the world economy.

The popularity of books about Jews in Japan is not new. But according to Masanori Miyazawa, a history professor who has compiled a bibliography on the subject, at least 100 new books related to Jews—a record number—were published last year, apparently because of the gulf crisis.

The specific appearance of the new anti-Semitic books, some of them published by mainstream houses, has again drawn the concern of Israeli diplomats and Jewish organizations, giving new impetus to the Jewish groups' campaign to inform publishers that Jews regard such books as repugnant.

TOTAL IGNORANCE OF JUDAISM

"The publication of these books by itself doesn't worry me too much," said Nahum Eshkol, the Israeli Ambassador to Japan. "What worries me is the readiness of Japanese to buy them, maybe to read them, on the backdrop of maybe total ignorance of Judaism and Israel."

Leading American Jewish groups have met quietly with Japanese officials, politicians, opinion leaders and publishers, most recently in December, to discourage distribution of the books, but with little success.

A year and a half ago, the Japan Foreign Ministry responded by urging the Japan Book Publishers Association to be more sensitive, asserting in a memorandum that "the Government of Japan regrets to see that the label of 'Japanese anti-Semitism' has taken root among American Jews."

But the publishers group declined to distribute the ministry memorandum to members, saying it did not want to endorse censorship.

REBUFFED BY THE PUBLISHERS

An official of the American Jewish Committee who had lobbied in Japan praised the Foreign Ministry, saying, "They put themselves on the line and were rebuffed by the publishers."

But the official, Neil C. Sandberg, director of the Committee's Pacific Rim Institute, said he found the publishers puzzled by the protests, wondering why Jews were not flattered to be thought so powerful.

"They told us, 'You're a member of a superior race and you come from a successful group and we're surprised this material concerns you,'" he recalled.

NO REPORTS OF DISCRIMINATION

Books condemning Jews flourish in spite of the fact that the few hundred Jews who lived in Japan experience no discrimination or even any evidence that Japanese distinguish them from other foreigners.

The anti-Semitic books continue to sell along with more mainstream works. At present, for instance, bookstores are featuring "The Arab-Israeli Wars," by Chaim Herzog, the President of Israel, along with books telling readers how to make money off stocks that Jews buy, plus others that speak of Jewish rituals and conspiracies.

One new book published in December, "Counterattack of Hitler," is a best seller at many book stores and has sold 30,000 copies. It denies the existence of the Holocaust and asserts that a Jewish conspiracy is being thwarted by Germany, Arabs and other groups.

Another new book, "Confessions of the Jews," by Paul Goldstein and Jeffery Steinberg, two American followers of the political extremist Lyndon LaRouche, says the Anti-Defamation League of B'nai B'rith, the American Jewish group, engages in organized crime and drug-trafficking. The book has sold only 5,000 copies but is a bestseller in those bookstores carrying it.

AUTHOR OF ANTI-SEMITIC BOOKS

The author of the first book and the translator of the second is Masami Uno, an Osaka man whose books denouncing Jews have long sold well and are widely available. His book, "If You Understand Jews, You Can See the Whole World," has sold 540,000 copies since it was published in 1986.

Critics of such books, Jewish groups among them, are troubled less by their direct influence than by their general respectability. The new books are from subsidiaries of prestigious publishers and "Counterattack of Hitler" was recently advertised on the front page of the Asahi Shimbun, the nation's most prestigious newspaper.

"Right now, the Japanese are scared to death that Israel will enter the war, disrupt their oil supplies and start a third world war," said David G. Goodman, a professor of Japanese literature at the University of Illinois. But he added that a "blind spot" exists on Jews.

"In all the book stores, there are legitimate books alongside this anti-Semitic garbage," Mr. Goodman said. "The question is why the Japanese don't seem to be able to tell the difference."

A DEPOSIT IN PEOPLE'S MINDS

Mr. Miyazawa, a history professor at Doshisha Women's College in Kyoto, who compiled the Jewish bibliography, said they tend to leave "a deposit in people's minds" that could "trigger anti-Semitism."

Indeed, Tatsuya Shoda, a manager at the main office of Maruzen book stores, a major chain, said Mr. Uno's books were stocked because he was widely respected as "an expert on Jewish issues." Mr. Uno declined to return several telephone calls for comment.

It is difficult to document the books' influence, but it is not uncommon for businessmen to express concern over what they see as excessive Jewish influence in American foreign policy.

"In Japan, there is no anti-Semitism," declared Takeshi Muromatsu, a literary critic on the board of the Japanese-Israel Friendship Association. "But many Japanese accept this Nazi-style stereotype that Jews control the world's finances. I would guess more than 80 percent of Japanese believe it."

HONOR FOR AMERICAN FINANCIER

The paradox, Mr. Muromatsu said, is that Japan and Jews have had good relations for many decades. For instance, Japanese histories continue to honor Jacob Schiff, the early 20th century New York financier, for helping Japan float war bonds to fight its war with Russia in 1904-05.

In the 1920's "The Protocols of the Elders of Zion," the notorious Russian forgery portraying a Jewish conspiracy to rule the world that became a Nazi propaganda tool, was published in Japan. Other Nazi propaganda circulated during World War II, but

the Government protected Jews in Japan, Shanghai and Manchuria.

Today the issue is complicated because many Japanese companies observe the Arab boycott against Israel, and because of widespread sympathy for Palestinians and anxieties about war with Iraq.

But the Israeli Ambassador, Mr. Eshkol, said that although Japan and Israel had had many difficulties over the years, ties have improved recently with stepped-up diplomatic exchanges and an increase in trade.

Mr. Eshkol added, in fact, that the recent attacks on Israel by Iraqi Scud missiles, coupled with Israel's not retaliating, had brought an outpouring of sympathy for Israelis including offers of donations from schoolchildren.

[From India-West, Feb. 1, 1991]

COMMUNITY TARGET OF HARASSMENT

(By Francis Assisi)

Thanks to war in the Persian Gulf, ethnic bigotry is alive and well in America. But the death threats, the firebombs, the vandalism and harassment initially directed against Arab Americans are now spilling over into the South Asian community as bigots look for one more excuse to target people who merely look or dress or have names that are different.

It doesn't take much. A different name, a different look; a salwar kameez might do it. Or a mustache like Saddam Hussein's. And the targets are not just Muslims with the familiar name of Hussein, but Sikhs, Hindus, Christians—anyone who looks like they are neither white, Hispanic, black or oriental.

For the Mehdi Husseins of Fremont, Calif., an Indo-American family, who has been in this country for 21 years, the torment commenced soon after Iraq's invasion of Kuwait five months ago.

It began with harassing calls during the weekends and escalated last week to physical threats not only to the couple but also their two children, aged 2 and 4 years. They felt that their lives were in danger. Today, with their telephone number changed and unlisted, they are at relative peace.

"In the beginning we took it very lightly," explained Mrs. Hussein to this reporter. "But when the war actually started, then the calls began coming even during weekdays and during nights. They would pick a time like the middle of the night, or three in the morning, and my children would wake up."

On one occasion the caller told Mrs. Hussein: "Hey, wake up Hussein, we have to discuss Iraq (eye-rack) with him." Since Jan. 15, the calls began coming in every day and the Husseins were subjected to filthy language and threats. It was then that they alerted the Fremont police.

"They came right away and suggested that we contact the phone company to trace the calls or maybe change our phone and make it unlisted," Mrs. Hussein told India-West.

Because the calls have ceased since their telephone number was changed, Mrs. Hussein believes that these are ignorant people who equate anyone with the name of Hussein with Saddam Hussein. "It is so sad—the knowledge of people in this country is so poor that they think everybody named Hussein has something to do with Saddam Hussein. We don't think that anybody named George has something to do with George Bush—that's what my husband basically told Channel 2 when they came here," said Mrs. Hussein.

Hussein informed India-West that the garage and car of another Indian family in Hayward was set afire while one of their

children was studying late at night. The family lives in terror, she said.

Out of concern that it might attract vandals a mosque in San Jose, Calif. has reportedly taken down the sign on the front door. Many Muslim families in the Bay Area have boosted security in their homes.

Turbanned Sikhs are reportedly taken for Arabs or Iraqis hearkening back to the time during the Iranian hostage crisis when anyone with a turban was equated with Ayatollah Khomeini.

Sumeet Singh, 25, was returning to his taxi at San Francisco International Airport when someone shouted. Go home Iraqi. He also found paint sprayed on the rear window of his vehicle. Singh is a Fiji Indian.

Harbhajan S. Bhinder warned members of the gurudwara in Fremont that they should be on guard. He says he has received over 25 harassment reports from Sikhs including an incident last Sunday in which two young men threatened to kill 30-year-old Gurtej Singh as he was walking in a Hayward city park.

ESCALATE

My fear is that if it soon escalates into a land war and alot of Americans get killed these threats could reach a much higher level said attorney Mohinder Singh Mann of San Jose, who has received many reports from Sikhs that they have recently become targets of such hate crimes. Anyone who looks like an Iraqi and Sikhs are more susceptible because of their appearance or those with Iraqi-sounding names are particularly at risk, said Mann.

Attorney Mann says he plans to take Anstacia Steinberg from the District Attorney's office to gurudwaras, temples and mosques to allay the fears of the people and to assure them that they have nothing to fear and, that as American citizens, they will be extended the full protection of the laws against hate crimes. He urges those who have received threats to call his office at (408) 287-1600 or Anstacia Steinberg at 416-328-1173.

Jahangir Hamdani of the Council of Muslims in America, too, acknowledged that there have been many instances where people from the Pakistani and Indian community have been intimidated. In many of these cases they happened to be Muslims, he noted.

Meanwhile, one Indian Christian with the name Sudham says that he's been told by friends not to use his name as a self-protection measure. Sudham, who used to sport a mustache, lives in Carmel. He told India-West that in recent weeks he has felt cold stares when he is at a restaurant or in a shopping center. "I feel unwelcome, afraid. I don't feel like going out anywhere," he says.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTABLE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country

paid for by that foreign government or organization.

The select committee has received a request for determination under rule 35 for Mr. Todd Stern, a member of the staff of Senator PATRICK LEAHY, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 11-17, 1991.

The committee has determined that participation by Mr. Stern in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Dennis Shea, a member of the staff of Senator ROBERT DOLE, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 11-17, 1991.

The committee has determined that participation by Mr. Shea in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Kenan Jarboe, a member of the staff of Senator GEORGE MITCHELL, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 11-17, 1991.

The committee has determined that participation by Dr. Jarboe in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.●

Mr. SARBANES. Mr. President, I ask unanimous consent that Senators be permitted to speak in morning business.

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

REPRINTING OF WASHINGTON'S FAREWELL ADDRESS

Mr. SARBANES. Mr. President, on behalf of Senators MITCHELL and DOLE, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 56) authorizing the reprinting of Senate Document No. 5, entitled "Washington's Farewell Address to the People of the United States."

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 question is on agreeing to the resolution.

The resolution (S. Res. 56) was agreed to, as follows:

S. RES. 56

Resolved, That Senate Document Numbered 5, Ninety-Sixth Congress, First Session, entitled "Washington's Farewell Address to the People of the United States", be reprinted as a Senate Document; and that there be printed one thousand additional copies of such document for the use of the Senate.

Mr. SARBANES. 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.

MEASURE HELD AT THE DESK

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself and others and ask unanimous consent that it be held at the desk until the close of business on Wednesday, February 20, 1991.

The PRESIDING OFFICER. Without objection, the resolution will be held at the desk in accordance with the request of the Republican leader.

PROGRAM

Mr. SARBANES. Mr. President, for the information of Members of the Senate, it is intended that the Senate at 11 a.m. tomorrow will resume consideration of S. 320, the Export Administration Act. Pending to that measure is an amendment offered by Senator SPECTER, amendment No. 3, concerning the death penalty, which would then be the pending amendment to that legislation.

ORDERS FOR TOMORROW

Mr. SARBANES. Mr. President, on behalf of the majority leader, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m. on Wednesday, February 20; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each.

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

Mr. SARBANES. As I indicated earlier, at 11 a.m., the Senate will resume consideration of S. 320, the Export Administration Act. Pending to that act is the Specter amendment concerning the death penalty.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as under the previous order until 10:30 a.m. Wednesday, February 20.

There being no objection, the Senate, at 6:33 p.m., recessed until Wednesday, February 20, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 19, 1991:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BERNADINE P. HEALY, OF OHIO, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE JAMES B. WYNGAARDEN, RESIGNED.

THE JUDICIARY

SUSAN J. CRAWFORD, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY APPEALS FOR THE TERM OF 15 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE ROBINSON O. EVERETT, TERM EXPIRED.

DEPARTMENT OF COMMERCE

JOHN G. KELLER, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM, VICE ROCKWELL ANTHONY SCHNABEL.

DEPARTMENT OF JUSTICE

IRA H. RAPHAELSON, OF ILLINOIS, TO BE SPECIAL COUNSEL, FINANCIAL INSTITUTIONS FRAUD UNIT, DEPARTMENT OF JUSTICE, (NEW POSITION)

MISSISSIPPI RIVER COMMISSION

RICKEY DALE JAMES, OF MISSOURI, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

NATIONAL COUNCIL ON DISABILITY

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE NATIONAL COUNCIL ON DISABILITY FOR TERMS EXPIRING SEPTEMBER 17, 1993:

ANNE C. SEGGERMAN, OF CONNECTICUT, VICE LESLIE LENKOWSKY, TERM EXPIRED.
LINDA ALLISON, OF TEXAS, VICE MARIAN NORTH KOONCE, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR THE TERMS INDICATED:

FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 11, 1992: TIMOTHY W. TONG, OF ARIZONA, VICE SAM E. KEITH, JR.

FOR A TERM EXPIRING AUGUST 11, 1996:
DONALD J. SUTHERLAND, OF NEW YORK, VICE R. JAMES WOOLSEY, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CATHERINE YI-YU CHO WOO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 1994, VICE MARVIN HAMLISCH.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. JOHN M. LOH, xxx-xx-x, U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD O. ALDRIDGE, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ANTHONY J. BURSHNICK, xxx-xx-xxxx U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. LEO W. SMITH II, xxx-xx-x, U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER

THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RICHARD C. GENTZ, U.S. NAVY xxx-xx-x...

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES A. ZIMBLE, MEDICAL CORPS, U.S. NAVY xxx-xx-x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. MICHAEL C. COLLEY, U.S. NAVY xxx-xx-x...

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

To be chief of chaplains

To be rear admiral

REAR ADM. (LH) DAVID E. WHITE, CHAPLAIN CORPS, U.S. NAVY xxx-xx-x...

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS

To be rear admiral

REAR ADM. (LH) PAUL T. KAYYE, xxx-xx-xxxx U.S. NAVAL RESERVE.

SUPPLY CORPS

To be rear admiral

REAR ADM. (LH) VANCE H. FRY, xxx-xx-xxxx U.S. NAVAL RESERVE.

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. MELVIN H. CHIOGIU, xxx-xx-xxxx U.S. NAVAL RESERVE.

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. JOHN H. MCKINLEY, JR., xxx-xx-xxxx U.S. NAVAL RESERVE.

CAPT. JONES H. STANLEY, xxx-xx-xxxx U.S. NAVAL RESERVE.

CAPT. JOHN E. TILL, xxx-xx-xx, U.S. NAVAL RESERVE.

CAPT. JAMES P. SCHEAR, xxx-xx-xxxx U.S. NAVAL RESERVE.

SPECIAL DUTY (INTELLIGENCE) OFFICER

To be rear admiral (lower half)

CAPT. BRUCE A. BLACK, xxx-xx-xxxx U.S. NAVAL RESERVE.

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. JAMES R. FOWLER, xxx-xx-xxxx U.S. NAVAL RESERVE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, COLONEL HEBERT HAVING BEEN RETROACTIVELY PROMOTED BY TWO DIFFERENT CALENDAR YEAR BOARDS.

MEDICAL CORPS

To be colonel

ANTONIO A. B. MATABAN, xxx-xx-x... JOSE F. PASCUALYBARAL, xxx-xx-x...

To be lieutenant colonel

ROBERT R. BUTLER, JR., xxx-xx-x... KENNETH R. HART, xxx-xx-x...

To be major

DONALD GRAY, xxx-xx-x... DENISE E. KIRKLAND, xxx-xx-x... KEVIN M. MCCABE, xxx-xx-x...

DENTAL CORPS

To be colonel

JOHN R. HEBERT, xxx-xx-x...

To be lieutenant colonel

JOHN R. HEBERT, xxx-xx-x...

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be lieutenant commander

FRANCIS D HURRY SYLVIA MAXWELL

DEPARTMENT OF AGRICULTURE

EDWARD R. MADIGAN, OF ILLINOIS, TO BE SECRETARY OF AGRICULTURE, VICE CLAYTON YEUTTER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

DENTAL CORPS

To be colonel

JOHN A. ANDERSON, xxx-xx-x... STEPHEN M. BACHAND, xxx-xx-x... THOMAS S. BAILEY, JR., xxx-xx-x... BENJAMIN T. BLACKHAM, xxx-xx-x... BENJAMIN P. GRAHAM, xxx-xx-x... STEPHAN J. HANEY, xxx-xx-x... CHARLES E. HARTSFIELD, JR., xxx-xx-xx... JAMES R. HIGGINS, xxx-xx-x... LEWIS A. HUMBERT, xxx-xx-x... DAVID P. KRETZSCHMAR, xxx-xx-x... BRADNER J. LAWRENCE, xxx-xx-x... THOMAS E. LONG, xxx-xx-x... MICHAEL T. POTTER, xxx-xx-x... WILLIAM C. ROTH, xxx-xx-x... WILLIAM G. SCHINDLER, xxx-xx-x... STEPHEN M. SCHMITZ, xxx-xx-x... TIMOTHY J. WEAVER, xxx-xx-x...

MEDICAL CORPS

To be colonel

ROY M. ARNOLD, xxx-xx-x... CLINTON E. BAIDEN, xxx-xx-x... BARRY R. BARNHART, xxx-xx-x... DAVID H. BARTON, xxx-xx-x... ROGER H. BOWER, xxx-xx-x... THOMAS M. DEAS, JR., xxx-xx-x... JAMES L. DELUCAS, xxx-xx-x... ROBERT F. DONS, xxx-xx-x... UWE W. FOHLMEISER, xxx-xx-x... JAMES M. GAGNIER, xxx-xx-x... LELAND E. GARRETT, JR., xxx-xx-xx... STANLEY L. GOODWIN, xxx-xx-x... RAYMOND L. GRAHAM, xxx-xx-x... DAVID L. HAMMER, xxx-xx-x... RICHARD W. HARBISON, xxx-xx-x... JOHN E. HARVEY, xxx-xx-x... GARY L. HENRIKSEN, xxx-xx-x... DAN M. HENSHAW, xxx-xx-x... FREDERICK HORNICK, xxx-xx-x... RICHARD F. JONES, xxx-xx-x... WILLIAM K. KAHLE, xxx-xx-x... RUSSELL J. KILPATRICK, xxx-xx-xx... ROY M. KRING, xxx-xx-x... WILLIAM B. KRUYER, xxx-xx-x... JOHN S. LATIMER, xxx-xx-x... THOMAS E. LEVRAULT, xxx-xx-x... TERENCE J. LYONS, xxx-xx-x... JOHN D. MALDAZYS, xxx-xx-x... THOMAS R. MARETH, xxx-xx-x... THOMAS W. MARSH, xxx-xx-x... THOMAS P. MCANALLY, xxx-xx-x... GEOFFREY W. MCCARTHY, xxx-xx-x... MICHAEL J. MCCARTHY, xxx-xx-x... WILLIAM J. MCQUEEN, xxx-xx-x... THOMAS A. MIKKELSON, xxx-xx-x... DAVID MUMFORD, xxx-xx-x... TRICHINOPOLY NARAYANASWAMY, xxx-xx-xx... FLADELFO V. OANDASAN, xxx-xx-x... HERIBERTO ORCINAS, xxx-xx-x... DAVID R. RANGE, xxx-xx-x... DAVID T. RIGDON, xxx-xx-x... DANIEL T. SARGENT, xxx-xx-x... PETER K. SENECHAL, xxx-xx-x... WILLIS M. SIMMONS, xxx-xx-x... PRABHA H. SOLANKI, xxx-xx-x... KENNETH P. STEEL, xxx-xx-x... SAMUEL STRAUSS, xxx-xx-x... HENRY P. THODE, III, xxx-xx-x... FRANCIS G. THURMAN, xxx-xx-x... CHARLES B. TOLLINCHIE, xxx-xx-x... JOHN J. TORNOW, xxx-xx-x... MOHAMMED S. URDINA, xxx-xx-x... ESTHELA M. URRQUIA, xxx-xx-x... BAYARD C. VERMILYEA, xxx-xx-x... BERNARDO F. VILLACIS, xxx-xx-x... ROLAND E. WICKS, xxx-xx-x... CHARLES H. WILE, xxx-xx-x... RICHARD E. WINN, xxx-xx-x... JAMES A. WRIGHT, xxx-xx-x... JOHN F. ZIMMER, xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

RANDY D. ALKIRE, xxx-xx-x... PAUL N. ANDERSON, xxx-xx-x... NEAL A. ANDREN, xxx-xx-x... DAVID M. BOHNENKAMP, xxx-xx-x... DANIEL R. BOWMAN, xxx-xx-x... HARVEY P. BOYARSKY, xxx-xx-x... VICTOR P. BRADFORD, xxx-xx-x... DEBRA L. BRANDT, xxx-xx-x... THOMAS L. BRUCE, xxx-xx-x... RAYMOND J. BYRON, JR., xxx-xx-x... CHRISTOPHER M. COLLIER, xxx-xx-x... PAUL E. CULLUM, xxx-xx-x... KENNETH R. EYE, xxx-xx-x... THOMAS J. FOGARTY, xxx-xx-x... CRAIG B. FOWLER, xxx-xx-x... BARRY H. FRANK, xxx-xx-x... ROBERT M. GARRETT, xxx-xx-x... JAMES A. GLAESS, xxx-xx-x... MITCHELL A. GOODIS, xxx-xx-x... DENNIS N. GREEN, xxx-xx-x... DAVID L. GUERRA, xxx-xx-x... DALE C. GULLICKSON, xxx-xx-x... LYNN F. HAINES, xxx-xx-x... LINDA K. HARRELL, xxx-xx-x... PAUL F. HASTINGS, xxx-xx-x... DONALD J. HATCHER, xxx-xx-x... EDWARD E. HILL, xxx-xx-x... FON L. HOLT, xxx-xx-x... GEORGE M. HORSLEY, xxx-xx-x... KENNETH K. KAIS, xxx-xx-x... THOMAS J. KELLER, xxx-xx-x... KELVIN K. KRAUSE, xxx-xx-x... JOHN A. KRETZSCHMAR, xxx-xx-x... GREGORY G. LANGSTON, xxx-xx-x... ROBERT B. LARSEN, xxx-xx-x... MICHAEL J. LATTNER, xxx-xx-x... ALFRED B. LAUDER, xxx-xx-x... JOHN H. LAW, xxx-xx-x... KATHLEEN A. LINDELL, xxx-xx-x... CRAIG A. LOUDENSLAGER, xxx-xx-x... JEFFREY C. MARR, xxx-xx-x... THOMAS S. MARSHALL, xxx-xx-x... JESSE T. MC VAY, xxx-xx-x... WILLIAM F. MESSNER, xxx-xx-x... THOMAS W. MITCHELL, xxx-xx-x... ERNEST F. MORELLI, xxx-xx-x... WILLIAM T. NAUGHTON, xxx-xx-x... TAD O. NEILSON, xxx-xx-x... CHARLES M. OLLINGER, xxx-xx-x... BERT H. ORCK, xxx-xx-x... JAMES D. PACE, xxx-xx-x... RICHARD L. PASCHENBETH, xxx-xx-x... BRYAN S. PEARSON, xxx-xx-x... NANCY G. PERRY, xxx-xx-x... TERRY A. PETERSON, xxx-xx-x... RALPH L. PRUETTE, JR., xxx-xx-xx... CHARLES H. RANKIN, III, xxx-xx-x... STEVEN A. RUFFIN, xxx-xx-x... THOMAS R. SCHNEIDT, xxx-xx-x... NATHAN W. SCHWANDT, xxx-xx-x... DANIEL A. SHALKEY, xxx-xx-x... LARRY D. SHEETTRUM, xxx-xx-x... LESLIE M. SHIGETANI, xxx-xx-x... HAROLD B. SMITH, xxx-xx-x... RICK M. SMITH, xxx-xx-x... SUSAN J. SMYTHE, xxx-xx-x... TODD A. SNEESBY, xxx-xx-x... DONALD J. SWIERINGA, xxx-xx-x... FOY L. TEMPLETON, JR., xxx-xx-x... CYNTHIA P. THIEL, xxx-xx-x... MONTY R. THOMSON, xxx-xx-x... ROBERT L. VANHOUSE, xxx-xx-x... RONALD G. VERRETTI, xxx-xx-x... GARY V. VIGIL, xxx-xx-x... ROBERT C. WAHD, xxx-xx-x... WILLIAM W. WELLER, xxx-xx-x... MARIE Y. A. WILLIAMS, xxx-xx-x... DAVID T. WOFFORD, xxx-xx-x... TERESA L. WOOD, xxx-xx-x... JAY M. WYLAM, xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

THOMAS C. ABSHIRE, xxx-xx-x... JOHN J. BAKER, xxx-xx-x... PAUL E. BAUER, xxx-xx-x... DAVID E. BECK, xxx-xx-x... DAVID A. BELVEDERE, xxx-xx-x... ROGER U. BISSON, xxx-xx-x... GEORGE V. BLACKWELL, xxx-xx-x... WILLIAM C. BOWENS, xxx-xx-x... JAMES S. BOWMAN, III, xxx-xx-x... FRANKLIN M. BOYER, JR., xxx-xx-x...

ROBERT B. BROADHURST, III xxx-xx-x-
 MICHAEL R. BROWN xxx-xx-x-
 ALLEN P. BURKE xxx-xx-x-
 RANDY H. BUTLER xxx-xx-x-
 CRANDON F. CLARK xxx-xx-x-
 ROBERT J. CLEMENT, JR. xxx-xx-x-
 GLENN C. COCKERHAM xxx-xx-x-
 RICHARD E. COLLISTER xxx-xx-x-
 CHARLES W. COTTA xxx-xx-x-
 HERMINIO CUERVO xxx-xx-x-
 EDWARD R. CUNNINGHAM xxx-xx-x-
 WILLIS L. DAMSCHRODER xxx-xx-x-
 JOSEPH A. DEERING xxx-xx-x-
 JAMES R. EBERT xxx-xx-x-
 SAMUEL B. ECHAURRI xxx-xx-x-
 MICHAEL F. EYOLFSON xxx-xx-x-
 MICHAEL L. FARRELLI xxx-xx-x-
 CESARIO F. FERRER, JR. xxx-xx-x-
 FRANK E. FISHER xxx-xx-x-
 JAMES E. FOSTER, II xxx-xx-x-
 STEPHEN D. FRAZIER xxx-xx-x-
 DAVID E. GEYER xxx-xx-x-
 PENNY M. GIOVANNETTI xxx-xx-x-
 MICHAEL L. GRIFFITH xxx-xx-x-
 WILLIAM K. HAMILTON xxx-xx-x-
 DAVID V. HANSEN xxx-xx-x-
 JAMES E. HARGREAVES xxx-xx-x-
 GLENN S. HARMAN xxx-xx-x-
 TERENCE W. HASSLER xxx-xx-x-
 CRAIG T. HATTON xxx-xx-x-
 LORETTA E. HICKS xxx-xx-x-
 JOHN P. HIGSMITH xxx-xx-x-
 DAVID E. HIRNIR xxx-xx-x-
 ROBERT B. HULL xxx-xx-x-
 RONNIE J. KIRSCHLING xxx-xx-x-
 ALBERT L. KLINE xxx-xx-x-
 ARNOLD S. KORIAKIN xxx-xx-x-
 PETER S. KROGH, II xxx-xx-x-
 HARRY W. KUBERG xxx-xx-x-
 LEON W. KUNDROTAS xxx-xx-x-
 KEVIN P. LALLY xxx-xx-x-
 DAVID A. LANTZ xxx-xx-x-
 JAMES L. LAUF xxx-xx-x-
 JOHN D. LESSER, III xxx-xx-x-
 JEFFREY H. LIEBERMAN xxx-xx-x-
 ALEX LIMANNI xxx-xx-x-
 GREGORY K. LUX xxx-xx-x-
 NADEGE MALETZ xxx-xx-x-
 CYNTHIA B. MALIKI xxx-xx-x-
 MICHAEL R. MAROHN xxx-xx-x-
 WARREN B. MAUPIN, I xxx-xx-x-
 DONALD C. MCCURRIN xxx-xx-x-
 APRIL L. MCVEY xxx-xx-x-
 LOUIS L. MIZELL, JR. xxx-xx-x-
 GARRISON V. MORIN xxx-xx-x-
 ELIZABETH A. MOURGUES xxx-xx-x-
 STEPHEN T. MURRAY xxx-xx-x-
 JAMES E. OSTRANDER xxx-xx-x-
 JOSEPH M. PALMA xxx-xx-x-
 MICHAEL D. PARKINSON xxx-xx-x-
 DAVID A. PETERSON xxx-xx-x-
 MICHAEL P. PIETRAM xxx-xx-x-
 JAMES POLLARD, II xxx-xx-x-
 ROBERT W. RECTENWALD xxx-xx-x-
 ERNEST E. REEVES xxx-xx-x-
 ROMIE N. RICHARDSON xxx-xx-x-
 ANTHONY M. RIZZO xxx-xx-x-
 RICHARD H. ROWE xxx-xx-x-
 ARLEEN M. SAENGER xxx-xx-x-
 SARLA K. SAUJAN xxx-xx-x-
 ROBERT N. SCHALLER xxx-xx-x-
 MICHAEL A. SCHIANO xxx-xx-x-
 COURTNEY D. SCOTT, JR. xxx-xx-x-
 RICHARD J. SKANDIS xxx-xx-x-
 VERNON C. SMITH, JR. xxx-xx-x-
 DAVID H. SUMMERS xxx-xx-x-
 JOE R. TAYLOR xxx-xx-x-
 STEPHEN W. TIBBITTS xxx-xx-x-
 GARY M. TOWNSEND xxx-xx-x-
 HOA D. TRAN xxx-xx-x-
 CHARLES L. VANNAMEN xxx-xx-x-
 JUDITH A. VARNAU xxx-xx-x-
 KEVIN H. VOSS xxx-xx-x-
 KAREN S. WAGENHALS xxx-xx-x-
 JANE B. WARD xxx-xx-x-
 BENJAMIN J. WILDS xxx-xx-x-
 CARL L. WILLIAMS xxx-xx-x-
 RICHARD S. WILLIAMS xxx-xx-x-
 THOMAS T. YASUHARA xxx-xx-x-
 EDWARD R. YEOMANS xxx-xx-x-
 BRADLEY A. YODER xxx-xx-x-
 WILLIAM A. YOUNG xxx-xx-x-
 SALVATORE A. ZIENO xxx-xx-x-

DENTAL CORPS

To be major

DAVID A. ALBRIGHT xxx-xx-x-
 KENNETH S. BARRACIN xxx-xx-x-
 THOMAS W. BECKMAN xxx-xx-x-
 DIANE M. BEECHER xxx-xx-x-
 RONALD L. BERRY xxx-xx-x-
 THOMAS S. BINGHAM xxx-xx-x-
 ALLEEN B. BOTTENBLEY xxx-xx-x-
 ERIC J. BRENDLINGER xxx-xx-x-
 PAUL E. BROWN xxx-xx-x-
 PAUL N. CARDON xxx-xx-x-
 JAMES M. CROUSE xxx-xx-x-
 JEFFERY R. DENON xxx-xx-x-
 GREGORY F. DIEDERICH xxx-xx-x-
 CORDON L. DOERR xxx-xx-x-
 WAYNE H. DUDLEY xxx-xx-x-

DANIEL G. DUPONT xxx-xx-x-
 EARL B. ELLIS xxx-xx-x-
 RONALD D. FRIBMAN xxx-xx-x-
 ROBERT K. FROME xxx-xx-x-
 MARK E. GEIS xxx-xx-x-
 PERRY G. GREEN xxx-xx-x-
 PAUL W. HAAG xxx-xx-x-
 GRANT R. HARTUP xxx-xx-x-
 ROGER A. HOLLIDAY xxx-xx-x-
 LESTER B. KENNINGTON xxx-xx-x-
 JOHN G. KHAROUF xxx-xx-x-
 JAMES E. KING, JR. xxx-xx-x-
 MICHAEL P. KLEPCZYK xxx-xx-x-
 JOHN C. KRESIN xxx-xx-x-
 JOHN N. KUHRLE xxx-xx-x-
 VON J. KUNZ xxx-xx-x-
 STEVEN F. LAHSEN xxx-xx-x-
 JAMES E. LARSON xxx-xx-x-
 JAMES A. LOE xxx-xx-x-
 MICHAEL J. MAISTROS xxx-xx-x-
 MICHAEL W. MARTIN xxx-xx-x-
 SCOTT A. MAZANEC xxx-xx-x-
 MARY ELLEN MCLEAN xxx-xx-x-
 PAGE W. MCNALL xxx-xx-x-
 ERIK J. MEYERS xxx-xx-x-
 GARRY L. MYERS xxx-xx-x-
 BRENT E. NIKOLAUS xxx-xx-x-
 TIMOTHY R. OLINGER xxx-xx-x-
 CHARLES A. POWELL xxx-xx-x-
 LEROY E. PRYOR xxx-xx-x-
 MARK S. RASCH xxx-xx-x-
 BENTON J. RUNQUIST xxx-xx-x-
 KENNETH W. SAMUELSON xxx-xx-x-
 PHILLIP R. SANDEFUR xxx-xx-x-
 GERALD L. SPEHR xxx-xx-x-
 ALAN J. SUTTON xxx-xx-x-
 VINCENT J. TAKACS xxx-xx-x-
 DAVID J. TRYLOVICH xxx-xx-x-
 RAY W. TUCKETT xxx-xx-x-
 ARJEN L. VANDEVOORDE xxx-xx-x-
 GIAO V. WEBB xxx-xx-x-
 JOHN D. WELCH xxx-xx-x-
 DAVID A. WHEELER xxx-xx-x-
 CYNTHIA S. WILEY xxx-xx-x-
 LESLIE D. WILLIAMS xxx-xx-x-
 SHAWN K. WILSON xxx-xx-x-

MEDICAL CORPS

To be major

KENNETH L. ABBOTT xxx-xx-x-
 BRIAN M. ABOFF xxx-xx-x-
 MARK S. AGNESS xxx-xx-x-
 GILBERTO O. ALEMAN xxx-xx-x-
 RASHAD N. ALI xxx-xx-x-
 ROBERT D. ALLEN xxx-xx-x-
 WILLIAM C. ALLEN xxx-xx-x-
 JAMES P. AMEREN xxx-xx-x-
 DANIEL D. ANDERSON xxx-xx-x-
 JEFFREY L. ANDERSON xxx-xx-x-
 CARLOS F. AQUINO xxx-xx-x-
 MYGLETUS W. ARMSTRONG xxx-xx-x-
 MOISES A. ARRIAGA xxx-xx-x-
 GEORGE J. ATIER xxx-xx-x-
 RICHARD BACHMANN xxx-xx-x-
 KAREN A. BALDI xxx-xx-x-
 DAVID T. BALZEN xxx-xx-x-
 GREGORY S. BARROW xxx-xx-x-
 SHARON A. BARTAL xxx-xx-x-
 WILLIAM H. BARTH, JR. xxx-xx-x-
 KAREN E. BATESON xxx-xx-x-
 ALLEN D. BAUDENISTEIN xxx-xx-x-
 PETER A. BAUER xxx-xx-x-
 MATTHEW J. BAUGHMAN xxx-xx-x-
 MARY E. BEAL xxx-xx-x-
 PAUL A. BEDNARZYK xxx-xx-x-
 GEANNIE M. BENNETT xxx-xx-x-
 ALAN B. BERG xxx-xx-x-
 JAMES H. BERRO xxx-xx-x-
 JOHN C. BERTOLINI xxx-xx-x-
 MADHURA A. BHUSKUTE xxx-xx-x-
 CATHERINE E. BIERSACK xxx-xx-x-
 LARRY S. BISHOP xxx-xx-x-
 JONATHAN W. BLANK xxx-xx-x-
 STEPHEN P. BLATT xxx-xx-x-
 DANIEL LEWIS BLUESTONE xxx-xx-x-
 GEOFFREY R. BODEAU xxx-xx-x-
 BRIAN J. BOHNER xxx-xx-x-
 DOUGLAS F. BOLDA xxx-xx-x-
 GEORGE T. BOLTON xxx-xx-x-
 SCOTT B. BOMGAARS xxx-xx-x-
 DONALD BOOS xxx-xx-x-
 DEBORAH J. BOSTOCK xxx-xx-x-
 JAMES A. BOURGEOIS xxx-xx-x-
 DAVID R. BOWEN xxx-xx-x-
 JOHN C. BOWEN xxx-xx-x-
 MARK W. BOWYER xxx-xx-x-
 MICHAEL W. BRADEN xxx-xx-x-
 DAPHNE M. BRADY xxx-xx-x-
 BRIGGS B. BRAILLAR xxx-xx-x-
 BRUCE E. BRAY xxx-xx-x-
 LAURA B. BRAY xxx-xx-x-
 JOHN A. BRENNAN xxx-xx-x-
 RAYMOND L. BREWEN xxx-xx-x-
 SUSAN A. BRICELAND xxx-xx-x-
 WALTER S. BRIDGES xxx-xx-x-
 RONALD M. BRUBAKER xxx-xx-x-
 JOHN J. BRUNETTE xxx-xx-x-
 JOHN W. BUCKNER, III xxx-xx-x-
 JOHANNES J. BUTTWEIG xxx-xx-x-
 DEBORAH M. BURGESS xxx-xx-x-
 CRAIG A. BUTLER xxx-xx-x-

WILLIAM M. CAMPBELL xxx-xx-x-
 DOMINICK J. CARILLO xxx-xx-x-
 DEAN W. CARLSON xxx-xx-x-
 JEFFREY CHARLES GARDNER xxx-xx-x-
 JUDITH A. CARPENTIER xxx-xx-x-
 DELOS D. CARRIER xxx-xx-x-
 DAVID B. CHERNOFF xxx-xx-x-
 TOM C. CHEW xxx-xx-x-
 CRIGHTON CHIN xxx-xx-x-
 BRICE B. CHOI xxx-xx-x-
 THOMAS M. CHOPP xxx-xx-x-
 STEVEN C. COGSWELL xxx-xx-x-
 LAURENCE J. COHEN xxx-xx-x-
 ANN T. COLGAN xxx-xx-x-
 JEFFREY B. COMITALO xxx-xx-x-
 ROBERT B. CONNOR xxx-xx-x-
 DAVID OWEN COOK xxx-xx-x-
 TERESA L. COON xxx-xx-x-
 JOHN F. COOPER xxx-xx-x-
 TIMOTHY W. CORBETH xxx-xx-x-
 KORY G. CORNUM xxx-xx-x-
 ANTONIO CORREA xxx-xx-x-
 MICHAEL W. COSTELLO xxx-xx-x-
 RANDY G. COWART xxx-xx-x-
 ANN W. CRAIG xxx-xx-x-
 JOSEPH M. CRONIN xxx-xx-x-
 TIMOTHY E. CRUM xxx-xx-x-
 DAVID L. CULL xxx-xx-x-
 SAMUEL M. CUMMINGS xxx-xx-x-
 STEVEN P. CUMMINGS xxx-xx-x-
 MICHAEL JOSEPH CUNNINGHAM xxx-xx-x-
 DIRCK A. CURRY xxx-xx-x-
 GREGORY J. DAVIS xxx-xx-x-
 SHARON K. DAVIS xxx-xx-x-
 MARK DELAURENTIS xxx-xx-x-
 JEFFREY G. DEMAIN xxx-xx-x-
 JAMES L. DEMETROULAKOS xxx-xx-x-
 THOMAS ELDEN DEPORTER xxx-xx-x-
 MICHAEL J. DIAZ xxx-xx-x-
 MICHAEL R. DIBENEDICTO xxx-xx-x-
 WOLFGANG F. DIETZ xxx-xx-x-
 PATRICIA W. DINSMORE xxx-xx-x-
 RUSSELL E. DITZLER xxx-xx-x-
 MATTHEW J. DOLAN xxx-xx-x-
 THOMAS H. DOUGHERTY xxx-xx-x-
 GREGORY J. DOWNS xxx-xx-x-
 TIMOTHY J. DREHMER xxx-xx-x-
 DAVID W. DUDLEY xxx-xx-x-
 DANIEL M. DUFFY xxx-xx-x-
 PRESTON M. DUNNMONI xxx-xx-x-
 BRUCE R. DURELL xxx-xx-x-
 EVERETT B. DYER xxx-xx-x-
 EUGENE D. EDDLEMON xxx-xx-x-
 KAREN A. EDWARDS xxx-xx-x-
 GILEM G. ELDER xxx-xx-x-
 ROBERT W. ELLIS xxx-xx-x-
 ALA ABDEL DEN M. EL-SAYEDU xxx-xx-x-
 BRUCE R. ELWELL xxx-xx-x-
 BRADFORD K. ENG xxx-xx-x-
 JAMES H. ESSELL xxx-xx-x-
 ANDREW MICHAEL ESTABROO xxx-xx-x-
 CHARLES D. EVANS xxx-xx-x-
 ANN E. FARASH xxx-xx-x-
 BRIAN V. FAVENH xxx-xx-x-
 PAUL A. FILBY xxx-xx-x-
 CHERYL R. FINCH xxx-xx-x-
 TIMOTHY J. FLOCK xxx-xx-x-
 CHRISTOPHER F. FLYNN xxx-xx-x-
 GEORGE M. FORTIER xxx-xx-x-
 PAULA M. FOSTER xxx-xx-x-
 WYATT C. FOWLER xxx-xx-x-
 DIEGO M. FREITAS xxx-xx-x-
 ANN G. FREMEAUX xxx-xx-x-
 THOMAS E. FROMUTH xxx-xx-x-
 JANET D. FROST xxx-xx-x-
 BRYAN J. FUNKE xxx-xx-x-
 CAREN E. GAINES xxx-xx-x-
 DAVID W. GALE xxx-xx-x-
 MICHAEL O. GARDNER xxx-xx-x-
 STEPHEN E. GARNER xxx-xx-x-
 WILLIAM L. GARNER xxx-xx-x-
 DAVID G. GARRICK xxx-xx-x-
 LENSGRAF HEATHER K. GEIS xxx-xx-x-
 THOMAS F. GEORGE xxx-xx-x-
 MICHAEL J. GERARDI xxx-xx-x-
 NORBERT PAUL GERONDALIS xxx-xx-x-
 JON B. GETZ xxx-xx-x-
 ANTHONY T. GHIM xxx-xx-x-
 JOHN A. GIBBONS, JR. xxx-xx-x-
 DON J. GIBSON xxx-xx-x-
 FLORIAN J. GIES, IV xxx-xx-x-
 ROBERT F. GLENN xxx-xx-x-
 BEN A. GOMEZ xxx-xx-x-
 ROBERT A. GONZALEZ-FERNANDEZ xxx-xx-x-
 MICHAEL K. GOWESKY xxx-xx-x-
 DONNA J. GOWIN xxx-xx-x-
 BRADFORD D. GRANATH xxx-xx-x-
 TIMOTHY G. GRAVEN xxx-xx-x-
 BARRY S. GREENE xxx-xx-x-
 MADALENE K. GREENE xxx-xx-x-
 JEFFREY R. GREENFIELD xxx-xx-x-
 JOE K. GRIFPIN, JR. xxx-xx-x-
 BRUCE A. GROOM xxx-xx-x-
 RICHARD E. GROSS xxx-xx-x-
 STEPHEN BARRETT GROSS xxx-xx-x-
 LOUIS K. GUINN xxx-xx-x-
 WILLIAM QUINTON GURLEY, JR. xxx-xx-x-
 DAVID P. GUTLOVE xxx-xx-x-
 TODD G. GUTTMAN xxx-xx-x-
 THOMAS W. GUZIEJEWSKI xxx-xx-x-
 STEVEN G. GWIAZDOWSKI xxx-xx-x-
 KARA L. HAAS xxx-xx-x-

RONALD DEAN HALVORSON xxx-xx-x...
RICHARD J. HARE xxx-xx-x...
MICHAEL J. HARRIS xxx-xx-x...
THOMAS E. HARRIS xxx-xx-x...
MONTGOMERY A. HARRISON xxx-xx-x...
JAMES E. HARTLE, II xxx-xx-x...
CRAIG D. HARTMAN xxx-xx-x...
DAVID D. HARWOOD xxx-xx-x...
KERRY H. HASKINS xxx-xx-x...
ANTHONY L. HATCHER xxx-xx-x...
AIMEE L. HAWLEY xxx-xx-x...
BARTLETT H. HAYES xxx-xx-x...
WILLIAM B. HEARN xxx-xx-x...
NED D. HEMRIC, JR. xxx-xx-x...
JAMES H. HENDERSON, II xxx-xx-x...
THOMAS E. HERCHLINE xxx-xx-x...
JAMES H. HERIOT xxx-xx-x...
TODD D. HESS xxx-xx-x...
BRUCE T. HEWETT xxx-xx-x...
REINHARDT G. HILZINGER xxx-xx-x...
KEARN D. HINCHMAN xxx-xx-x...
PATRICK K. HITCHCOCK xxx-xx-x...
DAVID A. HINATOW xxx-xx-x...
BRENT K. HOKE xxx-xx-x...
ASTRID E. HOLBERG xxx-xx-x...
MICHAEL C. HOLLIE xxx-xx-x...
ALAN LEON HOLTON xxx-xx-x...
TIMOTHY W. HOUSEMAN xxx-xx-x...
THEODORE J. HOWICK, JR. xxx-xx-x...
RICHARD F. HOWARD xxx-xx-x...
SCOTT D. HOWELLS xxx-xx-x...
DANIEL R. HUFF xxx-xx-x...
STEPHANIE ANN HUGHES xxx-xx-x...
BRADLEY D. HUHTA xxx-xx-x...
DENISE J. HUNNELL xxx-xx-x...
JEFFREY IVAN HUNT xxx-xx-x...
JOHN S. HUNT xxx-xx-x...
ROBERT R. IRELAND xxx-xx-x...
RICHARD L. JACOBS xxx-xx-x...
STEVEN D. JACOBSON xxx-xx-x...
RANDY L. JAMES xxx-xx-x...
ATUL N. JANI xxx-xx-x...
IGOR EDWARD JANKO xxx-xx-x...
JESSIE M. JEANRUSH xxx-xx-x...
MARK A. JEFFRIES xxx-xx-x...
LYNN K. JENNINGS xxx-xx-x...
GREGORY L. JEWELL xxx-xx-x...
LELAND P. JOHANSEN xxx-xx-x...
YONGSIK JOHNG xxx-xx-x...
LARRY N. JOHNSON xxx-xx-x...
SCOTT L. JOHNSTON xxx-xx-x...
VINCENT T. JONES xxx-xx-x...
KEVIN T. JORDAN xxx-xx-x...
PAUL M. JORDAN xxx-xx-x...
LISA M. JUDGE xxx-xx-x...
WELIN JUNG xxx-xx-x...
JANICE KANDO xxx-xx-x...
EVAN Z. KAPP xxx-xx-x...
HOWARD L. KATZ xxx-xx-x...
STEPHEN M. KELLEY xxx-xx-x...
MICHAEL J. KEOGH xxx-xx-x...
JEFFREY K. KETCHAM xxx-xx-x...
PATRICK N. KIMBRELL xxx-xx-x...
CHRISTOPHER J. KNAPP xxx-xx-x...
DANIEL W. KNOEDLER xxx-xx-x...
DOUGLAS P. KOEHN xxx-xx-x...
DAVID C. KORONKIEWICZ xxx-xx-x...
CHRISTOPHER J. KOWALSKI xxx-xx-x...
SONIA Y. KRAGH xxx-xx-x...
DAVID A. KUBE xxx-xx-x...
CRAIG M. KUBIK xxx-xx-x...
JON D. KUNSCHE xxx-xx-x...
KATHY A. LACIVITA xxx-xx-x...
TIMOTHY J. LADNER xxx-xx-x...
ERICK J. LAINE, JR. xxx-xx-x...
JORGE A. LALONDE xxx-xx-x...
CURTIS J. LARSON xxx-xx-x...
ROBERT L. LARSON xxx-xx-x...
KAREN P. LAUZE xxx-xx-x...
SCOTT S. LEH xxx-xx-x...
BRUCE R. LEFORS xxx-xx-x...
ROBERT H. LEISY xxx-xx-x...
PETER M. LEWIS xxx-xx-x...
ERIK J. LICHTENBERGER xxx-xx-x...
STEPHEN J. LIEDERBACH xxx-xx-x...
ANGELA M. L. LLIOI xxx-xx-x...
KATHRYN R. LIN xxx-xx-x...
WILLIAM M. LINDELL xxx-xx-x...
KELLY J. LINDSEY xxx-xx-x...
SHIRLEY R. LOCKIE xxx-xx-x...
PAUL A. LOCUS xxx-xx-x...
GAEL J. LONERGAN xxx-xx-x...
CAROLE L. LONG xxx-xx-x...
ANABEL LOPEZIVERA xxx-xx-x...
ROBERT C. LOWELL xxx-xx-x...
JOHNNY T. LU xxx-xx-x...
KENNETH G. LUCERO xxx-xx-x...
DAVID J. LYNCH xxx-xx-x...
PETER E. MACKAY xxx-xx-x...
CHARLES E. MADDEN xxx-xx-x...
RONALD MALAVE xxx-xx-x...
ANDREW C. MARCHIANO xxx-xx-x...
JOHN A. MASON, JR. xxx-xx-x...
GEORGE S. MASSINGILL xxx-xx-x...
KAREN M. MATHEWS xxx-xx-x...
DONALD K. MATTHEWS xxx-xx-x...
FRANK W. MAULDIN xxx-xx-x...
WILLIAM R. MAUS xxx-xx-x...
TERRENCE M. MAYERS xxx-xx-x...
THOMAS C. MAYES xxx-xx-x...
LEOD DAVID A. MC xxx-xx-x...
BRENT D. MCDERMOTT xxx-xx-x...

ALAN L. MCGAUGHRAN xxx-xx-x...
MICHAEL P. MCGRAIL, JR. xxx-xx-x...
WILLIAM L. MECCA xxx-xx-x...
ROBERT J. MEDPELL xxx-xx-x...
DONALD M. MEDUNA xxx-xx-x...
DAVID MELENDEZ xxx-xx-x...
ANDREW D. MESSA xxx-xx-x...
DENNIS R. MEURER xxx-xx-x...
CARL W. MEYER, III xxx-xx-x...
ROBERT SPENCER MICHAELSON xxx-xx-x...
JOSEPH LAWRENCE MILIO xxx-xx-x...
JULE P. MILLER, II xxx-xx-x...
MARK D. MILLER xxx-xx-x...
MICHAEL S. MILLER xxx-xx-x...
RHONDA S. MILLER xxx-xx-x...
ELIZABETH A. MILUM xxx-xx-x...
BRUCE A. MONTGOMERY xxx-xx-x...
WILLIAM H. MOORE, JR. xxx-xx-x...
LUIS J. MORALESBUGO xxx-xx-x...
CESAR AUGUSTO MORAN xxx-xx-x...
RAY MORRIS, III xxx-xx-x...
ROBERT T. MORRISON xxx-xx-x...
PETER J. MOTEL xxx-xx-x...
PAUL S. MUELLER xxx-xx-x...
SARAH L. MULLIN xxx-xx-x...
STEPHEN M. MULLOONEY xxx-xx-x...
SEAN L. MURPHY xxx-xx-x...
PETER M. MURRAY xxx-xx-x...
STEVEN W. MUSSEY xxx-xx-x...
GLEN K. NAGASAWA xxx-xx-x...
PATRICIA A. NAUGHTON xxx-xx-x...
THOMAS A. NEAL, II xxx-xx-x...
JOHNNY L. NEIGHBORS xxx-xx-x...
MARK F. NEWMAN xxx-xx-x...
RICHARD H. NGUYEN xxx-xx-x...
TIMOTHY A. NICHOLLS xxx-xx-x...
JEFFREY A. NIEZGODA xxx-xx-x...
DAVID SYDNEY NIX xxx-xx-x...
DANIEL S. NOYES xxx-xx-x...
DAVID H. OLSON xxx-xx-x...
STEVEN G. OMARA xxx-xx-x...
CHEYND D. ONARECONO xxx-xx-x...
JONATHAN F. ONEAL xxx-xx-x...
MICHAEL J. OPATOWSKI xxx-xx-x...
KEVIN J. OTOOLE xxx-xx-x...
SCHRAA WILLIAM P. PALMSO xxx-xx-x...
MARION M. PANDICISO xxx-xx-x...
ROBERT A. PANICO xxx-xx-x...
MICHAEL S. PARANKA xxx-xx-x...
YOLANDA A. PATTERSON xxx-xx-x...
RICHARD E. PATTI xxx-xx-x...
DENNIS PEARMAN xxx-xx-x...
JAMES M. PEARSON xxx-xx-x...
MAGALY PEREZBLANCO xxx-xx-x...
DANIEL R. PETERS xxx-xx-x...
MICHAEL W. PETERSON xxx-xx-x...
GEORGE D. PETERSONPADOVANI xxx-xx-x...
ANTHONY PETRACCA, JR. xxx-xx-x...
RONALD PEVETO xxx-xx-x...
EARL K. PLUNKETT xxx-xx-x...
ARNYCE R. POCK xxx-xx-x...
THOMAS M. POLIDORO xxx-xx-x...
WILLIAM S. POWELL, JR. xxx-xx-x...
DOUGLAS J. PRAUS xxx-xx-x...
STEVEN M. PRINCIGOTTA xxx-xx-x...
PETER M. PRITCHETT xxx-xx-x...
MICHAEL E. PROBSTFELL xxx-xx-x...
WILLIAM J. QUARTUCCIO xxx-xx-x...
EDWARD J. RAFF, II xxx-xx-x...
LEE M. RATNER xxx-xx-x...
TERRY R. REISNER xxx-xx-x...
RICHARD R. REMAUL xxx-xx-x...
MICHAEL J. REZNIOG xxx-xx-x...
DAVID B. RHODES xxx-xx-x...
MICHAEL A. RICCI xxx-xx-x...
WILLIAM H. RICHARDS, III xxx-xx-x...
BRIAN D. RIEDEL xxx-xx-x...
DAVID A. RIGGS xxx-xx-x...
KEVIN E. RINE xxx-xx-x...
LUIS A. RIVAS xxx-xx-x...
BETH E. ROBBE xxx-xx-x...
DAVID B. ROBINSON xxx-xx-x...
DONALD D. ROBINSON xxx-xx-x...
RANDY RAY ROBINSON xxx-xx-x...
RUTH E. ROLLINGS xxx-xx-x...
JOSE E. ROMAN xxx-xx-x...
STEVEN R. ROSEN xxx-xx-x...
GREGORY G. ROTZ xxx-xx-x...
MARK T. RUBERTUS xxx-xx-x...
WALTER L. RUSH xxx-xx-x...
JAMES L. RUSHFORD xxx-xx-x...
BRADLEY S. RUST xxx-xx-x...
JAMES M. RYAN xxx-xx-x...
TERENCE D. RYAN, III xxx-xx-x...
MARY T. RYDER xxx-xx-x...
ROBERT M. SAAD xxx-xx-x...
THEODORE F. SAAL xxx-xx-x...
EDMUND S. SABANEUGH, JR. xxx-xx-x...
NANCY M. SAHAKIAN xxx-xx-x...
EDWIN M. SALAMANCA xxx-xx-x...
SONIA J. SALGADO xxx-xx-x...
DAVID K. SAMANIE xxx-xx-x...
TRACY L. SAMPLES xxx-xx-x...
SAMSON P. SAMUEL xxx-xx-x...
EDWARD G. SANDERS xxx-xx-x...
TODD A. SANDROCK xxx-xx-x...
GREGORY E. SAUNDERS xxx-xx-x...
JONATHAN CRAIG SAXE xxx-xx-x...
MICHAEL SCHAUBER xxx-xx-x...
ROBERT P. SCHIRMMEYER xxx-xx-x...
ERIC R. SCHMIDT xxx-xx-x...
GARY W. SCOTT xxx-xx-x...

JOSEPH K. SEAL xxx-xx-x...
THOMAS SEGARRA, JR. xxx-xx-x...
BRYAN C. SHARPS xxx-xx-x...
PHILIP D. SHELTON xxx-xx-x...
JOHN SHEN xxx-xx-x...
VALERIE A. SHORT xxx-xx-x...
WILLIAM D. SIDES xxx-xx-x...
ERIC J. SIMKO xxx-xx-x...
MATTHEW E. SIMMONS xxx-xx-x...
JODI L. SISKIN xxx-xx-x...
RENATO F. SISON xxx-xx-x...
RALPH S. SISSON xxx-xx-x...
ROBERT A. SIVIER xxx-xx-x...
DANIEL W. SKUPSKI xxx-xx-x...
DODGE A. SLAGLE xxx-xx-x...
MARK P. SLOVENKAI xxx-xx-x...
RANDALL W. SMART xxx-xx-x...
COLLIN BERESFORD SMIKLE xxx-xx-x...
RICHARD K. SMITH xxx-xx-x...
RICHARD S. SMITH xxx-xx-x...
SUSAN JANE SMITH xxx-xx-x...
WILLIAM H. SNEIDER, JR. xxx-xx-x...
MARK J. SNELL xxx-xx-x...
MICHAEL J. SNYDER xxx-xx-x...
WILLIAM K. SPEARS xxx-xx-x...
ROGER ALLEN SPENCER xxx-xx-x...
JEFFREY J. SPILLANE xxx-xx-xxxx...
MARY U. STAUNTON xxx-xx-x...
JOHN R. STEEL xxx-xx-x...
JAMES E. STEELE xxx-xx-xx...
KATHLEEN N. STEINMAN xxx-xx-x...
PAUL R. STEINER xxx-xx-x...
CECILIA A. STEVENS xxx-xx-x...
ERIC S. STILLMAN xxx-xx-x...
KATHRYN K. STILLMAN xxx-xx-x...
FREDERICK R. STOCKTON xxx-xx-x...
ADRIANNE P. STRICKLAND xxx-xx-x...
HOWARD L. SULS xxx-xx-x...
ERIC SURIS xxx-xx-x...
STEVEN H. SUTHER xxx-xx-x...
GARY D. SWAIN xxx-xx-x...
CHARLES A. SYMS xxx-xx-x...
LOUIS J. TEDESCO xxx-xx-x...
GUILLERMO J. TELLEZ xxx-xx-x...
ROBERT CARL THOMAS xxx-xx-x...
WILLIAM F. THOMPSON xxx-xx-x...
CRAIG E. THORNTON xxx-xx-x...
MARK WILLIAM TOMLINSON xxx-xx-x...
JOSE R. TORRESBERROS xxx-xx-x...
LAURA A. TORRESREYES xxx-xx-x...
HENRY F. TRIPP, JR. xxx-xx-x...
THOMAS E. TROFF xxx-xx-x...
HORACE TSU xxx-xx-x...
RICHARD J. TUBB xxx-xx-x...
JEFFREY M. TURLEY xxx-xx-xx...
MARTHA E. TYMESON xxx-xx-x...
WILLIAM J. VALKO xxx-xx-x...
DAVID F. VANDERBURGH xxx-xx-x...
DAVID N. VANOS xxx-xx-x...
ROBERT D. VERDONE xxx-xx-x...
KENNETH NORMAN VERMETTE xxx-xx-xx...
ROBERT A. VILLEGAS, JR. xxx-xx-xx...
RODNEY TABUCOL VIZCARRA xxx-xx-x...
KAENEL WILLIAM E. VON xxx-xx-x...
MARK V. WADE xxx-xx-x...
BRENT J. WAGNER xxx-xx-x...
BENJAMIN H. WALKER, JR. xxx-xx-x...
BRIAN S. WALLI xxx-xx-x...
JAMES F. WALROTE xxx-xx-x...
PETER F. WALSH xxx-xx-x...
JARL T. WATHEN xxx-xx-x...
SCOTT M. WEATHERS xxx-xx-x...
WILLIAM R. WEATHERS xxx-xx-x...
ELDON LEROY WEBB, III xxx-xx-xx...
BRENDA S. WELLS xxx-xx-x...
STEVEN R. WELLS xxx-xx-x...
THOMAS E. WERTH xxx-xx-x...
JAN H. WESTERMAN xxx-xx-x...
DAVID B. WEXLER xxx-xx-x...
THOMAS M. WHITE xxx-xx-x...
KENNETH B. WILLIAMS xxx-xx-xx...
LANE P. WILLIAMS xxx-xx-x...
STEPHEN D. WINEGARDNER xxx-xx-x...
LAURA E. WITHERSPOON xxx-xx-x...
MARK W. WOODRUFF xxx-xx-x...
CLAIRE K. WOODS xxx-xx-x...
PAUL E. WRIGHT xxx-xx-x...
DANIEL O. WYMAN xxx-xx-x...
GROVER K. YAMANE xxx-xx-x...
WILLIAM L. YEATON xxx-xx-x...
JEFFREY K. YEO xxx-xx-xx...
DONALD R. YOHE, JR. xxx-xx-x...
DONALD C. YOUNG xxx-xx-x...
TERESA M. ZABIK xxx-xx-x...
WILLIAM R. ZAVITT xxx-xx-x...
DAVID A. ZVARA xxx-xx-x...

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be colonel

MARC A. ABRAMOWITZ xxx-xx-x...
JOHN A. FLASKA xxx-xx-x...
DAVID H. GOODWILLIE xxx-xx-x...

WILLIAM L. HUFHAM xxx-xx-x...
ANTHONY M. IMBERI xxx-xx-x...
WILBUR D. PARKER xxx-xx-x...
GARY T. SANFORD xxx-xx-x...
KENNETH A. SEIFHEIM xxx-xx-x...
ROBERT H. SPIEGEL xxx-xx-x...
CALVIN H. SYDNOR xxx-xx-x...

DENTAL CORPS
To be colonel

MICHAEL D. ALBRIGHT xxx-xx-x...
ANTHONY J. ANGELLO xxx-xx-x...
DURWOOD E. BACH xxx-xx-x...
RICHARD R. BLACK xxx-xx-x...
DANIEL L. BONDRAN xxx-xx-x...
TERRY W. BRADIGAN xxx-xx-x...
ROBERT R. BRUEGGER xxx-xx-x...
PAUL J. BURCHETT xxx-xx-x...
MICKEY J. CALVERT xxx-xx-x...
LARRY R. CAMP xxx-xx-x...
DALMER D. CHEEM xxx-xx-x...
THOMAS R. COLE xxx-xx-x...
JOSEPH P. CONNOR xxx-xx-x...
BRUCE Q. CROWTHEM xxx-xx-x...
PAUL R. CUENIN xxx-xx-x...
DAVID A. DENNIS xxx-xx-x...
DENNIS L. DONLEY xxx-xx-x...
ROGER H. DOWNS xxx-xx-x...
CHRISTOPHER FEARON xxx-xx-x...
JON G. FISHER xxx-xx-x...
LAVELLE FORD xxx-xx-x...
KENNETH E. FOWLER xxx-xx-x...
STEVEN T. HACKMAN xxx-xx-x...
DENNIS J. HOLMAN xxx-xx-x...
HERSCHEL L. JONES xxx-xx-x...
PAUL E. KITTLE xxx-xx-x...
LARRY W. LOVERIDGE xxx-xx-x...
CARBRA J. MCDONNELL xxx-xx-x...
MICHAEL P. MEHARG xxx-xx-x...
JOHN R. MILLEN xxx-xx-x...
PETE MINJAREZ, II xxx-xx-x...
WILLIAM C. MITCHELL xxx-xx-x...
RALPH G. MONTOYA xxx-xx-x...
JAMES L. NEMEC xxx-xx-x...
JAY E. NYLANDER xxx-xx-x...
JOSEPH R. OSMOND xxx-xx-x...
MIGUEL E. PALOU xxx-xx-x...
ADRIAN L. * PATTERSON xxx-xx-x...
HENRY S. PLAUTZ xxx-xx-x...
RANDALL M. POHJOLA xxx-xx-x...
FRANK R. PORTELL xxx-xx-x...
WILLIAM A. PORTER xxx-xx-x...
FREDER REGENNITZER xxx-xx-x...
OLIVIA S. ROMINGER xxx-xx-x...
JOHN L. SALOMONE xxx-xx-x...
RICHARD D. SHIPLEY xxx-xx-x...
ERNEST W. SIGLER xxx-xx-x...
STEVEN L. STANTON xxx-xx-x...
SCOTT L. STRONG xxx-xx-x...
STEPHEN H. SUTLER xxx-xx-x...
ROBERT B. TEWELES xxx-xx-x...
LARRY W. TOWNSEND xxx-xx-x...
HENRY T. WADDELL xxx-xx-x...
BRUCE D. WINTLE xxx-xx-x...
PHILIP A. WOLLEN xxx-xx-x...
PETER P. YANCICH xxx-xx-x...

MEDICAL CORPS
To be colonel

PETER A. ANDERSEN xxx-xx-x...
ALVA W. * ATKINSON xxx-xx-x...
BRUCE O. BAILEY xxx-xx-x...
JOHN R. BARRETT xxx-xx-x...
TONEY W. BASKIN xxx-xx-x...
RODOLFO E. * BAUTISTA xxx-xx-x...
THOMAS E. BEAM xxx-xx-x...
SCOTT D. * BENNION xxx-xx-x...
BEDFORD H. BERREY xxx-xx-x...
EDWIN J. BOLLERUP xxx-xx-x...
GREG A. BOWMAN xxx-xx-x...
JAMES A. * BREITWESER xxx-xx-x...
DALE A. CARROLL xxx-xx-x...
MICHAEL A. CASSADAY xxx-xx-x...
MOO H. CHO xxx-xx-x...

DANIEL B. CRAIG xxx-xx-x...
HOWARD DAVIDSON xxx-xx-x...
JON S. DAVIS xxx-xx-x...
WILLIAM H. * DICE xxx-xx-x...
LOUIS F. DIEHL xxx-xx-x...
GORDON O. DOWNEY xxx-xx-x...
HAROLD P. DUCLLOUD xxx-xx-x...
RENATA J. * ENGLER xxx-xx-x...
JAMES FITZPATRICK xxx-xx-x...
RICHARD D. GARDNER xxx-xx-x...
STEPHEN M. GOODEN xxx-xx-x...
DAVID B. HAHN xxx-xx-x...
JAMES F. HANDLEY xxx-xx-x...
ROBERT C. HARVEY xxx-xx-x...
WILLIAM HOPKINSON xxx-xx-x...
WALTER K. * IMAL xxx-xx-x...
JOHN T. JACCARD xxx-xx-x...
RODNEY K. * JAMISON xxx-xx-x...
ERIC A. JOHNSON xxx-xx-x...
ROBERT E. JONES xxx-xx-x...
JAMES H. KEELING xxx-xx-x...
SEUNG H. KIM xxx-xx-x...
WILLIAM C. KIRBY xxx-xx-x...
MELVIN M. KOLB xxx-xx-x...
PERRY L. KYSER xxx-xx-x...
ANTHONY J. LAPORTA xxx-xx-x...
DAVID W. * LIPSI xxx-xx-x...
EARL A. LORENZEN xxx-xx-x...
LAWRENCE C. MOHR xxx-xx-x...
JACK MOORE, JR. xxx-xx-x...
JOHN W. MOORE xxx-xx-x...
PAMELA J. * MURARI xxx-xx-x...
TU H. NGUYEN xxx-xx-x...
GRACY E. NIDHIRY xxx-xx-x...
MARVIN * OLESHANSKY xxx-xx-x...
GORDON S. PARK xxx-xx-x...
ROMEO P. * PERREW xxx-xx-x...
ROBERT W. PETZOLL xxx-xx-x...
YANCY Y. PHILLIPS xxx-xx-x...
JOHN M. * POWERS xxx-xx-x...
EDWARD L. SAKAS xxx-xx-x...
ERIC R. SALMINEN xxx-xx-x...
JOHN A. SCAVONE xxx-xx-x...
APARNA S. SHAH xxx-xx-x...
NATALIE * SHERMONSKY xxx-xx-x...
PAUL N. SMITH xxx-xx-x...
EDWARD N. SQUIRE xxx-xx-x...
ROSA B. * STITH xxx-xx-x...
RONALD M. TOLLS xxx-xx-x...
COLLIE M. TRANT xxx-xx-x...
GLENN C. TRIPP xxx-xx-x...
JOHN A. VACCARO xxx-xx-x...
RICHARD C. WAHL xxx-xx-x...
PAUL A. WEHRLI xxx-xx-x...
DAVID J. WEHRLY xxx-xx-x...
JOHN D. * WERSCHKUL xxx-xx-x...
STERLING G. WEST xxx-xx-x...
GARY A. * WIKERT xxx-xx-x...

JUDGE ADVOCATE GENERAL'S CORPS
To be lieutenant colonel

EMMETT L. BATTLES xxx-xx-x...
NOLON J. BENSON xxx-xx-x...
KEVIN W. BOND xxx-xx-x...
ROSS W. BRANSTETER xxx-xx-x...
KEVIN L. CALL xxx-xx-x...
DAVID P. CAREY xxx-xx-x...
PAUL K. CASCIO xxx-xx-x...
DAVID M. CRANE xxx-xx-x...
DOMINICK J. DELORIO xxx-xx-x...
GILPIN R. FEGLEY xxx-xx-x...
ULDRIC L. FIORE xxx-xx-x...
WARREN G. FOOOTE xxx-xx-x...
VANCE M. FORRESTER xxx-xx-x...
JUDITH M. GUARINO xxx-xx-x...
JOSEPH J. HALL xxx-xx-x...
STEPHEN K. HILL xxx-xx-x...
GREGORY M. HUCKABEE xxx-xx-x...
JOHN T. JONES xxx-xx-x...
BRUCE E. KASOLD xxx-xx-x...
DAVID A. LITTLE xxx-xx-x...
PHILIP H. LYNCH xxx-xx-x...
THOMAS O. MASON xxx-xx-x...
MICHAEL K. MILLARD xxx-xx-x...
FRANCIS R. MOULIN xxx-xx-x...

MICHAEL B. NEVEU xxx-xx-x...
ARTHUR L. PASSAR xxx-xx-x...
JERRY W. PEACE xxx-xx-x...
RICHARD D. ROSEN xxx-xx-x...
LAWRENCE E. ROUSE xxx-xx-x...
ROBERT J. VANHOOSER xxx-xx-x...
MARK D. WELTON xxx-xx-x...
DANIEL V. WRIGHT xxx-xx-x...

DENTAL CORPS
To be lieutenant colonel

DANIEL K. * BAILEY xxx-xx-x...
DAVID L. BATY xxx-xx-x...
LARRY D. * BLOOM xxx-xx-x...
RONALD C. BUTLER xxx-xx-x...
RICHARD T. * CANADA xxx-xx-x...
ROBERT S. CARTER xxx-xx-x...
RUSSEL K. CATTERLIN xxx-xx-x...
DARRELL W. CHILDERS xxx-xx-x...
MARK T. * CIRBUS xxx-xx-x...
MARK S. CLOTH xxx-xx-x...
RICHARD L. COHEN xxx-xx-x...
BRUCE W. * CUSHMAN xxx-xx-x...
JON C. * DAILEY xxx-xx-x...
LARY W. * DEEDS xxx-xx-x...
ELDON L. * DEKAY xxx-xx-x...
PETER L. DEMIZIO xxx-xx-x...
JOEY C. * DOBBINS xxx-xx-x...
PAMELA K. * DONOHUE xxx-xx-x...
JEFFERY DOOTSON xxx-xx-x...
CECIL R. DORSETT xxx-xx-x...
JOHN E. * DULSKI xxx-xx-x...
RANDY J. EBERLY xxx-xx-x...
RICHARD L. * EMERT xxx-xx-x...
KEITH H. * FOSTER xxx-xx-x...
JOHN M. * FRAZIER xxx-xx-x...
RICHARD * GARBARINO xxx-xx-x...
ALAN C. GARLICK xxx-xx-x...
RICHARD J. HAGNER xxx-xx-x...
TIMOTHY M. HALE xxx-xx-x...
STEPHEN M. * HANNON xxx-xx-x...
ALLAN D. * HARRIS xxx-xx-x...
BRENT HASSEL xxx-xx-x...
JUDSON S. HICKET xxx-xx-x...
ALAN W. HOMIAK xxx-xx-x...
THOMAS A. JORDAN xxx-xx-x...
BUSHAN S. JOSHI xxx-xx-x...
ORLA W. * KARN xxx-xx-x...
JOEL C. * KNUTSON xxx-xx-x...
KELLY R. KOPFORD xxx-xx-x...
KENNETH E. * KONONEN xxx-xx-x...
CARL M. * KRUGER xxx-xx-x...
ALAN E. LENTZ xxx-xx-x...
JOSE M. * LOPKOWITZ xxx-xx-x...
ALBERTO LUGO xxx-xx-x...
DOUGLAS * MASSINGHAM xxx-xx-x...
HAROLD A. * MCADOO xxx-xx-x...
JUDITH * MCCOLLUM xxx-xx-x...
ROBERT B. * MEYER xxx-xx-x...
ROBERT D. MEYER xxx-xx-x...
SAMUEL A. * MEYER xxx-xx-x...
DONALD A. * MOORE xxx-xx-x...
PATRICK H. * MOORE xxx-xx-x...
OLAN D. * PARR, JR. xxx-xx-x...
STEVEN J. PERKINS xxx-xx-x...
JOHN D. * PHILLIPS xxx-xx-x...
MYSORE K. * PRASANNA xxx-xx-x...
DAVID P. * REID xxx-xx-x...
SYLESTER * ROBINSON xxx-xx-x...
MARK ROGOW xxx-xx-x...
JIMMIE C. SCHMIDT xxx-xx-x...
PAUL D. SCHUMAKER xxx-xx-x...
STEVEN R. SEVEDGE xxx-xx-x...
MILTON L. SMITH xxx-xx-x...
SAMUEL W. * SNEELSON xxx-xx-x...
FREDERICK * SOBEL xxx-xx-x...
ROBERT E. SPILLE xxx-xx-x...
ROBERT E. TEMPLE xxx-xx-x...
DANIEL M. THEBERGE xxx-xx-x...
DAVID J. * VESELY xxx-xx-x...
CHARLES R. WEBER xxx-xx-x...
SCOTT S. WORLTON xxx-xx-x...
ROBERT J. WYGONSKI xxx-xx-x...