SENATE—*Thursday, February 28, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

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

Let us pray:

In a moment of silence I want to praise God that Senator LEAHY's son is coming home.

Now I Nebuchadnezzar praise and extol and honour the King of heaven, all whose works are truth, and his ways judgment: and those that walk in pride he is able to abase.—Daniel 4:37.

Almighty God, in the words of Nebuchadnezzar, king of ancient Babylon, we praise Thee, extol Thee, honor Thee. With unspeakable and profound gratitude we thank Thee for the outcome in the Persian Gulf crisis. We thank Thee for the leadership of President Bush during these difficult days, for the strong support he was given by the Congress, for the effective management of the war through Secretary Cheney, those in command in the Pentagon and in the gulf. We thank Thee for the extraordinary care given the Iraqi prisoners of war through the coalition members. We pray now, dear God, that the complicated issues in the Middle East may be resolved justly, righteously, and honorably. Thank Thee, Father, for Your love and care and overrule in history.

In His name who is the Lord of history. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 28, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized, the distinguished Senator from Maine.

THE JOURNAL

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

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

SCHEDULE

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

At 11 a.m. this morning, the Senate will proceed to the consideration of calendar No. 25, Senate Resolution 62, a resolution which provides the funding for Senate committees.

Mr. President, in view of what occurred with respect to the previous bill, where a number of Senators expressed an intention to offer amendments but then were not prepared to do so, even though the bill was on the floor for 2 days, and so as to avoid a repetition of that and the delay which ensued as a result thereof, I urge Senators who may have amendments to the funding resolution to advise the managers of their amendments, and I urge those Senators to bring their amendments to the floor and offer them for debate and disposition.

It is my hope that we can complete action on the funding resolution promptly today. Any delay will simply inconvenience the other Members of the Senate.

THE CEASE-FIRE ANNOUNCEMENT

Mr. MITCHELL. Mr. President, I join with all Americans in welcoming President Bush's announcement of a conditional cease-fire in the Persian Gulf war.

I urge Saddam Hussein to unconditionally accept all relevant U.N. resolutions and take all other steps necessary to make the cease-fire permanent and bring an end to the conflict.

There is no alternative for the Iraqi leadership but to acknowledge military reality and accept the international coalition's terms for peace.

For too long, Saddam Hussein has put his interests above the interests of the people of Iraq. He has made mistake after mistake, misjudgment after misjudgment. I hope he finally will act to bring the war to an end.

The coalition's military success has been remarkable. The impressive performance of U.S. Armed Forces is a credit to President Bush, Secretary Cheney, General Powell, and General Schwarzkopf.

It reflects the courage and professionalism of the men and women participating in Operation Desert Storm. They all have done a truly outstanding job.

The most difficult thing we can ask of fellow Americans is for them to risk their lives on behalf of our Nation. The men and women participating in Operation Desert Storm inspired us with their dedication and their competence. We are extremely proud of each and every one of them and extend to them our deepest gratitude.

While we are thankful for the astonishingly low level of American casualties incurred in the conflict, we recognize that is of no comfort to the families and friends of those Americans who did die in the war. To those families and friends I extend my condolences. They have suffered a difficult and tragic loss. I hope they realize that all Americans share their sadness and their sense of loss.

I hope that American troops will soon be returning home. We look forward to welcoming them and expressing our gratitude to them directly.

As the war appears close to an end, it is time for the United States to devote its energies toward building a better and more stable future for the region.

It is time to secure the peace. This will be a complex and challenging task, as important as the military victory.

But today we celebrate the American and allied men and women participating in Desert Storm, congratulate them on a job well done, and wish them a speedy return home.

RESERVATION OF LEADER TIME

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KOHL). Under the previous order there shall now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Connecticut.

VICTORY IN THE GULF

Mr. LIEBERMAN. Mr. President, "In war, there is no substitute for victory." Those were the words of Douglas MacArthur in his famous address to a joint session of Congress in 1951. Today victory is ours. This is VG day—victory in the gulf day. It is a day to celebrate and a day to be grateful.

Mr. President, in my opinion this is one of the finest hours in American history. We have stood up to principle and won through sacrifice, and as a result the world is a safer place today.

The defeat of Saddam Hussein is more than that. It is the upholding of great principles of international law, order, and morality and for that we have many people to thank, most of all our brave men and women in the gulf. They are heroes who fought and died to protect freedom from the malignancy of brutal aggression.

We thank the families of our troops, who did their best to keep American morale high, and who suffered each day their loved ones were in harm's way.

We thank our allies, most notably the British, the French, the Saudis, the Egyptians, and the Kuwaitis, who fought alongside our troops to liberate Kuwait and to destroy Saddam's military might.

We thank our military and diplomatic leadership, including General Schwarzkopf, General Powell, Secretary Cheney, and Secretary Baker for their vision, genius, and their perseverance.

And we particularly thank President Bush for a magnificent demonstration of wisdom, courage, determination, and leadership. That leadership and the heroism of our fighting forces has returned as much as ever in my lifetime, Mr. President, to America a sense of purpose, a sense of confidence.

Many, many centuries ago, Jeremiah, describing the battle against Nebuchadnezzar, the king of Babylon—and incidentally a hero to Saddam Hussein—was told this by the Lord. "I will raise and cause to come up against Babylon an assembly of great nations. And they shall set themselves in array against her. None shall return in vain."

Mr. President, in our time none will return from the gulf in vain. All will return in honor. And leading them will be General Schwarzkopf, whose name I believe will rank among the greatest military men of American history. I hope he will soon honor Congress with an address before a joint session.

Of course, Radio Baghdad still proclaims that a victory has been won by Iraq, and the battle has stopped because of the massive losses it says were inflicted on allied forces. But there will soon come that moment when the Iraqi troops return, and the people lining Baghdad streets will have to ask themselves: "Where are the tanks?"

In the celebrations of victory that lie ahead, we must not forget that there is much to be done to secure this just peace we have won. There is much to be done before the world is safe from terrorist raids, Scud attacks, and other abominations of which Saddam Hussein and those like him are so capable.

I hold in my hand, Mr. President, a very small piece of a Scud missile, given to me by a friend who recently returned from the Middle East. I am going to keep it at my desk as a reminder of the evil that can be loosed on the world when a despot is allowed to accumulate such dangerous tools of aggression.

In building the peace, prisoners of war must be repatriated, and the missing must be accounted for. War criminals must be identified and tried. Kuwait must be rebuilt. As part of this peacemaking process, I certainly support all the terms that President Bush stated last night. I also support the continuing application of sanctions as a tool to force Iraq to comply with all that the world demands of it. Chief among these demands, I believe, must be the removal of Saddam Hussein as head of the Iraqi state. We simply cannot normalize relations with a country headed by such a cruel murderer.

As we go about the difficult business of building the peace, now that we have won the war, we must not forget the price that has been paid by the wounded and the dead on fields of battle so far away. When I cast my vote in favor of the resolution granting the President the power to take our country into war, I did so in the knowledge that war, indeed, might be the result, and that good people might die. Thank God our casualties were low—astonishingly low. But that fact does not negate the tragedy visited on those who suffered so much from this war, including the Iraqis themselves, forced into war by a dictator who had no regard for the lives of his own people.

In this hour of triumph, my thoughts and prayers go out to two who lived in Connecticut, and who died in the gulf: Marine Corps Cpl. James H. Sylvia, Jr., of Putnam and Army Chief CWO Richard R. Lee, who lived much of his life in Wallingford. James Sylvia, Sr., had this to say about his son: "He felt he'd rather go than see somebody else with a wife and children have to go. That's the kind of kid he was."

Richard Lee's father Earl said this: "Richard believed in what he was doing. He was proud to be a part of it."

We are proud of Richard Lee, James Sylvia, and all the others who made the ultimate sacrifice in Operation Desert Storm. They are heroes who have built for us a safer world.

There is little we can do to repay our debt to them. There is little we can say to supplant the grief of their families and their friends. But we can, as Lincoln said, "be dedicated here to the unfinished work which they * * * have thus far so nobly advanced" the work of international order, peace, and freedom.

I thank the Chair and I yield the floor.

NATIONAL DAY OF PRAYER AND THANKS

Mr. COATS. Mr. President, for months we have prayed for a just peace in the gulf. Today we have found that peace—in overwhelming victory.

We have seen a stunning triumph of American arms—swift, irresistible, overpowering.

It took just 100 hours to humble a massed, modern army—the fourth largest in the world. Saddam Hussein's defeat is total.

No nation in the world can question the supremacy of America's purpose and power.

No soldiers in the world can equal our soldiers' skill and bravery.

Our victory will be a lasting warning against aggression and a testament to American principle and strength. This mission of rescue and retribution was moral in its aim, bold in its planning, and brilliant in its conduct.

America has earned its day of elation. But I am convinced this day of elation must be also be followed by a day of thanks and prayer.

Thanks to a President who pursued his strategy against Iraq with foresight and purpose from the moment Kuwait was invaded.

Thanks to our military leaders who planned their campaign—on air, land, and sea—with innovation and precision.

Secretary Cheney, General Powell, General Schwarzkopf, and others deserve our highest praise.

And thanks to American industry and the American worker who have once again made the phrase "Made in America" the envy of the world.

And thanks to our soldiers who won a victory above all expectation and beyond all precedent.

But beyond these debts, I am convinced that we owe our thanks to a just God. Americans have always affirmed that military strength alone is not sufficient. The battle is not to the strong alone. We have trusted in a providence which vindicates the oppressed and defends the right. As a nation we remem-

ber, according to the Scriptures, that "unless the Lord keeps the city, the watchman waketh but in vain."

Later today I will be introducing a resolution requesting the President to set aside a day for prayer and thanks, to remember the sacrifice of patriots, to honor our returning soldiers, to recall our dependence on Providence, and to remember the true source of our strength.

I hope Americans will pray for those who suffered loss. Each casualty is the grief of a family and a community.

I hope they will pray for the future of a troubled region, as we attempt to win the peace as we have won the war.

And I hope they will offer their thanks to God, the Ruler of men and nations, the source of justice, and the Author of true peace.

Having won a historic victory, we must adopt, not the arrogance of conquerors, but the humility of those who served justice with the help of God. We cannot reward blessing with ingratitude. A national day of thanks and prayer would be in the best of American traditions. And I hope my colleagues will give it their unqualified support.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

AMERICA'S LEADERSHIP

Mr. COATS. Mr. President, moments ago I addressed the Senate and indicated I would be offering later today a sense-of-the-Senate resolution that the President designate a day of thanks and prayer and gratitude for all that has happened in the Persian Gulf.

In reflecting on what has happened, particularly in this last 100 hours but really over the last several months, we cannot help but be immensely impressed with the extraordinary leadership that has been provided this Nation. It seems at virtually every critical point the President's judgment, his understanding of the situation, his discernment, and his ultimate conclusions were exactly the right course to take.

The authority he vested as Commander in Chief in Secretary Cheney and General Powell, and the authority they vested then in General Schwarzkopf and his military colleagues, was exercised with an almost unbelievable degree of competence. As those of us, on an almost daily basis, met with either Secretary Cheney or General Powell or representatives of the Department of Defense and with the Intelligence Agency for our daily briefings, we sat in hushed expectation and wonderment as details were provided us of, first, the immense task of organizing this effort, bringing 530-some thousand American troops halfway across the world, supplying them with the needed equipment, training and acclimatization they would require, and then coordinating that with 28 other nations, more than 200,000 troops from those nations, preparing and executing a battle plan that in retrospect now was brilliant in its conception and brilliant in its execution.

People are saying, did we overestimate the Iraqi Army, or was this not easier than we thought? My answer to that is when we watch an athlete perform, when we watch a team work together to accomplish an objective, those who are best prepared, those who have worked the hardest, those who have paid the most attention to detail, make the job look easy. And the countless hours of work of countless people that went into preparing our military for the actions it took should not go unrecognized.

Yes, the final result did look easy, but it looked easy because the difficult task necessary to accomplish our purpose was accomplished with extraordinary dedication and commitment and an extraordinary skill.

Much will be said about the last 8 months. Much will be said about the performance of men and women, from the President on down to the newest recruit. Much will be said about the diplomatic efforts, the extraordinary coalition that was put together and the extraordinary execution of this entire effort. We will have much to reflect on, but surely this is one of America's proudest hours. Surely we share a great sense of pride and thanks and gratitude to all those who played such a vital role in bringing about such a successful conclusion to this effort.

Mr. President, I yield the floor.

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

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

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. Yes, it was.

OPERATION DESERT CALM

Mr. DOLE. Mr. President, 6 weeks ago, we stood on this floor in an historic debate about war. Today, we stand here on the brink of peace.

The world has watched as Operation Desert Shield turned into Operation Desert Storm. Today we rejoice the first day of Operation Desert Calm.

We pray it stays that way.

Today, we are truly humbled by the sacrifice and patriotism of the heroes of this stunning allied victory.

The coalition prevailed because it had the will, the determination, the unity and the spectacular means to get the job done—swiftly and decisively.

Peace is at hand because of brilliant leadership—from President Bush, from the Pentagon, from the leaders on the battlefield and especially from the brilliant performance of the coalition forces.

No doubt about it, our Commander in Chief has earned a place in history with his bold leadership. President Bush had to make the tough calls—the toughest decisions of his life, and of our time. In every instance, he made the right call—for the Nation, for our soldiers, for the coalition, and for peace. He stuck to his guns and his principles. Thank God he did.

Once the President made the call, the military chain of command carried out their awesome responsibilities with unparalleled distinction.

No doubt about it, America has been blessed with some of history's greatest military leaders, but no team has ever been any better than Defense Secretary Dick Cheney, Gen. Colin Powell and Gen. Norman Schwarzkopf.

But most of all, we owe our gratitude to the backbone of Operation Desert Storm—the half million brave American soldiers who put their lives on the line so others would be free. These courageous men and women in the Armed Forces, Reserves, and National Guard units from across the Nation did the hard work of freedom, and they did it right.

Meanwhile, we will never forget those who made the ultimate sacrifice, on the battlefield, in training, and in accidents during the massive troop development. One death was one death too many. One missing in action is one too many. And one POW is one too many.

These heroes, and their families, will remain in our thoughts and prayers for the rest of our lives.

We also pray that today is the dawning of a new era in Iraq. Our war was never with the Iraqi people it was with their misguided leader who bears all the responsibility for the pain and destruction he has brought to his own people, to Kuwait, and to every country that gave so much to defeat him.

Now we watch the fruits of this allied victory: the parades of joy in the streets of a liberated Kuwait City but the parades I am now looking forward to are the ones through the streets of Junction City, Garden City, Wichita, Leavenworth, Topeka, and everywhere in Kansas, and across the country, where proud Americans will welcome home the heroes of Operation Desert

Storm our men and women who have risked so much to give us this, first day of Operation Desert Calm.

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

THE DETERIORATING HUMAN RIGHTS SITUATION IN PERU

Mr. KENNEDY. Mr. President, I would like to call to the attention of my colleagues the thoughtful and moving testimony of Francisco Soberón, the executive director of the Peruvian human rights organization, Aprodeh, before the Inter-American Commission for Human Rights of the Organization of American States.

The testimony, prepared by the National Coordinating Committee for Human Rights, a coalition of over 30 human rights organizations, details the horrific and deterioration human rights situation in Peru. For the 4th year in a row, there have been more reported disappearances in Peru than any other country in the world.

Human rights groups charge Peruvian security forces with responsibility for the disappearances and murder of hundreds of peasants. Over the last several months, mass graves have been discovered in Chilcahuayco, Iquicha, and Vilcashuaman. Identifications of the mutilated bodies indicate that the dead may have been victims of military atrocities.

Peruvian guerrilla groups—the Shining Path and the Tupac Amaru Revolutionary Movement [MRTA]—are also agents of extreme violence. Guerrilla assassinations of prominent citizens continue to shake the country. Recently, the MRTA assassinated César Alberto Ruiz Truigoso, the first judge killed in Peru as a result of political violence, and the Shining Path murdered a highly respected agronomist, Javier Puiggrós Planas. Of the more than 3,400 victims of political violence in 1990, more than 1,200 are believed to have been killed by the Shining Path.

Given the dramatic and engrossing nature of the gulf war, I urge my colleagues not to forget the fragile democracy in Peru and the importance of supporting human rights progress within our own hemisphere. I ask unanimous consent that the statement be printed in the RECORD.

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

[National Coordinating Committee for Human Rights]

REPORT ON THE STATE OF HUMAN RIGHTS IN PERU IN 1990

INTRODUCTION

The National Human Rights Coordinating Committee submits this report on human rights in Peru with grave concern. In 1990 the situation has deteriorated even in comparison with the previous years.

The mass poverty and growing political violence seen in 1990 is the worst suffered in Peru for a hundred years.

The chaos left as a result of the last government's irresponsibility led President Alberto Fujimori's new government—which came to power on the 28th of July 1990—to apply an economic shock in compliance with IMF conditions. It has been the poor majority who have borne the brunt of the economic adjustment. According to the new government's declarations, the amount of people in need of food aid totals twelve million: 60 percent of the national population. The year ended with an accumulated inflation of 7,650 percent and with wages on average having fallen by 35 percent. The minimum wage only covers 40 percent of the food basket.

Political violence has killed more than 3,400 people (in 1989 the number of victims was 3,000). In 1990 the Shining Path was responsible for about 1,500 deaths, 80 percent of these killings being carried out in cold blood.

The forces of order have reported more than 1,300 alleged subversive dead and one hundred wounded. It is claimed that they have detained and disappeared 246 people. As a result of this practice Peru will once again be the country with the worst record of detentions and forced disappearances worldwide according to United Nations figures, now for the fourth consecutive year.

THE NEW GOVERNMENT AND HUMAN RIGHTS, AND A NEW PROPOSAL FOR PEACE IN PERU

The experience of the last decade has demonstrated the failure of the anti-subversive strategy adopted. The new government was expected to issue a new proposal on the matter, but it has continued the same strategy which, with its concomitant grave human rights violations, cannot be a foundation for peace. There is increasing concern because the government is moving away from a proposal for peace. The present government party in an alliance with the former one exonerated ex-President Alan Garcia from all responsibility for the massacre in the prisons. In the Congress they also approved the promotion of two Army generals involved in grave human rights violations, this with the express support of the President of the Republic, Alberto Fujimori. What is more, the government passed a rule defining human rights violation as a military offense, an issue to be judged in the military court. The same rule entitles those alleged to have violated human rights to remain anonymous, thus clearly favouring impunity and worse violations. It also ties the hands of the human rights organizations and the national press. This has been denounced by the International Committee for the Protection of Journalists. Finally, the President of the Republic declared that military courts could judge civilians accused of the crime of terrorism. This is an initiative which was presented by the last government, and was rejected because it increases the power of the military in society.

The civilian and Church human rights groups which belong to the National Coordinating Committee for Human Rights and other Peruvian organisations submitted their proposals for establishing peace in Peru to the new president. The proposal is based on one fundamental principle: the building of peace requires a national plan which will be to the good of the whole Peruvian people and will respect the fundamental rights of each and every one.

In view of the gravity of the situation in Peru, we once more urge the government to call a broad-based meeting in order to set up an official commission. This commission should consider all proposals for peace. It should be recalled here that the President of the Republic promised the country to nominate a High Commission for Human Rights. To date, this promise has not been carried out.

THE GROUPS RISEN UP IN ARMS AND HUMANITARIAN LAW

During these ten long years of armed political violence, unleashed first of all by the Shining Path and then by the MRTA (the Tuac Amaru Revolutionary Movement), the population, as has been repeatedly verified, has been in the cross fire. In 1990, the Shining Path has committed more than 1,200 murders in cold blood. 80 percent of the victims were subsistence farmers and people living in shanty towns. In combat the group has caused about 250 deaths.

The Tupac Amaru Revolutionary Movement (MRTA) has committed 24 murders in cold blood and caused 36 deaths in armed combat.

Political assassination in cold blood is a repeated and systematic practice of the groups which have taken up arms, although there are clear differences between the Shining Path and the MRTA. The Peruvian human rights groups have reacted with a public and firm condemnation, as was seen during the People's Permanent Tribunal regarding impunity. (July 1990).

The National Coordinating Committee for Human Rights has denounced the Peruvian state for human rights violations, and has denounced the groups risen up in arms for violating international humanitarian law.

The National Coordinating Committee for Human Rights affirms that only the legal state is responsible for upholding human rights observance and, as a consequence, it alone can be denounced. This does not however exempt the armed groups from the minimum humanitarian condition such as those laid down in Article 3 of the Geneva Convention and Additional Protocol. These minimum rules categorically forbid the murder in cold blood of the civilian population in particular and of an enemy who has surrendered, as also any form of torture or cruel treatment. It is these minimum humanitarian rules—which some call the rules of war—which are violated wholesale in Peru, as we stated above. Nor is it acceptable to give as an excuse for the violation of such rules the fact that the enemy does not observe them, or that the enemy is not recognised as the "belligerent party", while they demand that their captured members be conceded the status of "prisoners of war". It is universally accepted that the minimum humanitarian rules are the foundation of obligations which are binding for all, the state and the groups risen up in arms, irrespective of the status these are granted.

VIOLENCE IN THE PERUVIAN AMAZON JUNGLE AND DRUG TRAFFICK POLICY

The demand for drugs in certain developed countries and the greed of drug traffickers and others found favourable conditions in Peru's Amazon jungle. The subsistence farmers' need to survive—none become rich by their work—and the lack of support for alternative crops which would simply allow them a life with dignity explain the course of events. Peru today is the world's principle coca leaf producers, with more than 120,000 hectares under cultivation.

Then came the Shining Path, seeking to mediate between the farmers and drug trafficers, while pursuing economic and political benefits and imposing an inflexible authoritarianism. The MRTA tried to do the same in the area but less extensively. Mean-

while the Peruvian police forces and the American DEA favour repression measures and do not develop consistent alternative farming projects. American "aid" is for repression, and today includes military personnel via its "military aid" for intensifying repression.

The Declaration of Cartagena (February 1990), signed by Peru, Bolivia and Colombia, successfully established the principles for an alternative development plan which has still not been put into effect in the area. The Peruvian government recently proposed a plan, but it is still not clear what its scope is, nor whether it concurs with the principles of the Cartagena Declaration.

THE JUNGLE AS THE SCENE OF CONFRONTATION

In the area known as the Central Jungle there has been serious bloodshed. The Shining Path imposes its rule at the cost of the lives of Amazon jungle tribes—murdering nearly fifty native people in Satipo (Cultivireni, May 1990)—and killing indigenous leaders like Pablo Satoma, Oscar Chimanza and Dante Martinez (Rio Tambo, July 1990).

While in another jungle area (the Ucayali region) the Roman Catholic Church's bishop in the area denounced that bodies were being hurled down into swamps from helicopter. These acts can be attributed to the forces of order.

EVENTS IN THE ANDES

In Ayacucho and other areas in the country the forces of order have obliged local people to form Defence (or Self-Defence) Committees. Other such committees are formed on the initiative of the local people who are tired of the Shining Path's violence. When these civil defence committees are no longer the local people's security organisations and become instruments of the anti-subversive war, they commit grave crimes and accelerate violence.

One example of the above are the events of San Pedro de Cachi (Ayacucho October 1990). Following a Shining Path attack, Army units and the local Civil Defence committee combed several villages. The outcome was the murder in cold blood of eighteen people (including two children of eleven and thirteen) who were buried in ditches in Chilcahuayco. This killing is being investigated by the Public Prosecutor of Ayacucho and by a Senate committee.

SUPPOSED ANONYMOUS CRIMES: AN ALTERNATIVE TO FORCED DISAPPEARANCES?

The numerous murders in cold blood which have taken place in Huancayo merit special attention. On the 8th of June the Deputy-Rector of the University of the Centre, Jaime Cerron and his driver Armando Tapia Gutierrez were murdered by hooded individuals who apparently belonged to the security forces. At a later date, under the present government, unidentified criminals murdered nearly thirty people in the city of Huancayo (August to October 1990). These actions are carried out against the background of international protest against the forced disappearance of Guadalupe Ccallocunto in Ayacucho (June 1990). A month later in Ayacucho there were no forced disappearances: on the 20th of July the law graduate Maximo Rico was murdered; on the 23rd of July the lawyer Fernando Colonio, legal advisor in the Huamanga (Ayacucho) University was killed, and on the 27th of July the biologist Ciro Aramburu, the Director of Social Welfare at the same university met the same fate. We wonder if we are witnessing a change for the worse: murder instead of forced disappearances. Impunity is behind both tactics. All the crimes listed have gone unpunished.

IN THE SOUTHERN ANDES

In Puno the Shining Path wants not only to be present in the area but to control it, and has committed murder, such as in the case of the engineers (June 1990) who were working in farm development projects: Alberto Pumalaya, Oscar Elias, Orlando Barreda and Glicerio Gonzales. The farming munity organization, weakened and harrassed by violence, must still lead the struggle to develop alternative crops, at a time when the government economic adjustment will not authorize credit for agriculture.

In Chumbivilcas in Cusco the other side of the coin can be seen. A military patrol massacred twelve peasant farmers (April 1990). To date the culprits have not been sanctioned.

THREATS AGAINST HUMAN RIGHTS DEFENDERS

The chairman of the senate Justice and Human Rights Committee informed the public (January 1991) that, according to the public prosecutor in Huancavelica, two hundred cases of detention and forced disappearance by the forces of order had been registered there in 1990. The people of Peru were unaware of these facts. At the beginning of the year in February 1990 the secretary of the Huancavelica Human Rights Committee, Angel Escobar, was kidnapped by members of the Peruvian Army. To date his whereabouts are unknown and the culprits have not been sanctioned. After his disappearance there was no further information regarding events in Huancavelica.

Between February and March 1990 the members of the National Coordinating Committee for Human Rights' executive committee received threats. A hand grenade was thrown at the Andean Jurists' Commission offices, and dynamite was thrown at the Amnesty International Lima office.

INTERNATIONAL CONCERN FOR HUMAN RIGHTS IN PERU: THE UNITED NATIONS AND THE ORGANIZATION OF AMERICAN STATES

The Special Spokesmen for Torture and Summary Execution have discussed Peru in detail in their reports. With regard to the detentions and forced disappearances on the part of the forces of order, over the last four years (from 1987 to 1990, inclusive) the UN registered information signalling Peru as the country with the worst international record. Of all the cases registered world-wide during 1990, about 50 percent occurred in Peru.

This has obliged the National Coordinating Committee for Human Rights to call for a special Spokesman for Peru to be appointed in order to improve the human rights position in the country.

This petition is supported by the World Council of Churches which at the invitation of the National Coordinating Committee for Human Rights sent a special commission to Peru (October 1990). The distinguished members of the commission visited various parts of the country and then had an interview with the President of the Republic, Mr. Alberto Fujimori. The president made a commitment to take measures to avoid further human rights violations, which the commission pointed out, were occurring under his government. Amnesty International's secretary general Ian Martin also had an interview with the president. Americas Watch published a full report.

At the proposal of WOLA (the Washington Office on Latin America), the National Coordinating Committee for Human Rights was awarded the 1990 Letellier-Moffitt prize in Washington. They also received a prize from the Human Rights Association of Spain in Madrid in 1990.

Finally the OAS Human Rights Commission has issued numerous resolutions on the violation of human rights in Peru. The best-known case is that of the journalist Hugo Bustios from the magazine Caretas, who was murdered in Huanta, Ayacucho in 1988 by members of the Peruvian Army. The Inter-American Court, at the commission's request, ordered that the government take urgent measures to safeguard the life of the murdered journalist's wife. Two years after the murder, the culprit has not been sanctioned and the military protect his identity.

THE PERUVIAN PEOPLE WANT A NATIONAL PROPOSAL FOR BUILDING PEACE

The Peruvian people want a national proposal for building peace: a peace built on the common good and respect for life.

Hundreds of thousands of women and men are struggling daily to build a better future for themselves and their families, like the thousands of women who grouped together to set up soup kitchens and Glass of Milk committees for their children. But these women, and other Peruvians are seeking not only to survive but to live fully, without murderous violence from any side. This collective struggle and will of the Peruvian people and their many democratic organizations is what, in spite of everything, sustains and gives shape to hope in Peru today.

As many others in Peru, we know that the situation is very grave. We must be alert. Authoritarianism and anti-democratic forces must give way to pluralistic discussion and genuine concerted action to guarantee the common good and human rights in Peru. This is what we must bring about today if we really want peace to flourish at last in our country.

National Coordinating Committee for Human Rights, Lima, December 1990.

DEATH OF JOHN SHERMAN COOPER

Mr. DOLE. Mr. President, along with many of my colleagues, I was saddened last Friday to learn of the death of former Senator John Sherman Cooper.

I was privileged to serve with John for 4 of his 20 years in the U.S. Senate. Throughout his Senate career, John's intelligence and principles were widely respected by Members on both sides of the aisle.

John's two decades of service to Kentucky and America in the Senate, were only one aspect of one of this century's truly remarkable public service careers.

Delegate to the United Nations, Ambassador to India, Ambassador to East Germany, confidante and counselor to United States Presidents, John Sherman Cooper served in all these roles with distinction and dignity.

Oliver Wendell Holmes once said that "to live fully is to be engaged in the passions of ones time."

As we remember John Sherman Cooper, let us rejoice in the fact that here was a man who truly lived fully, for here was a man whose life was devoted to the passions of his time.

LEADERSHIP CHEMISTRY

Mr. BURNS. Mr. President, I congratulate President Bush and the Chairman of the Joint Chiefs, General Powell, Secretary Cheney, the whole team. It has been 30 years since this country has had a chemistry of leadership such as that which has carried out the policy in the Middle East and carried on this military operation with great professionalism and dedication. Strong, yes, silent and calm leadership.

Our congratulations to those troops that stood in harm's way, and our hearts go out to those families who lost loved ones there, because the loss of one life is one too many.

These very professional warriors of this great country called the United States of America stood in harm's way and paid the price. Like generations before us that have answered the call, this generation answered the call, and generations after will also answer the call for the great values for which this country stands.

PROMOTING MUSIC EDUCATION

Mr. JEFFORDS. Mr. President, I am honored to be a member of the National Commission on Music Education which was formed last year to achieve national recognition for the value of music and the other arts as a basic component of the school curriculum.

Although wise people since Plato have stated the importance of education in music and the other arts, educational reform has given the arts short shrift. We believe this approach to education denies our children the opportunity to develop their human potential.

Every child should have a quality education in all areas including music and the other arts because it is vital to the aesthetic appreciation, historical knowledge, and cultural understanding that children need to become productive American citizens in our competitive, global society. We also recognize that music education fosters creativity, teaches effective communications, provides basic tools for a critical assessment of the world around us, and instills the abiding values of self discipline and commitment.

I am encouraged by the efforts of music and art advocates in their national campaign to achieve national recognition for the value of music and the other arts in education. I hope that local communities will participate in their 1991-92 grassroots campaign for music recognition.

It is important that parents, educators, school board members, and administrators in communities nationwide work together at the state and local levels to support an effort to make music and the other arts available in all schools.

RETIREMENT OF ADM. HUNTINGTON HARDISTY

Mr. INOUYE. Mr. President, on February 28, Adm. Huntington Hardisty, our commander in chief for the U.S. Pacific Command will retire after 38 years of active military service. During his nearly 2½ years a CINCPAC and during other military duty tours in the Pacific, Admiral Hardisty has developed a valuable perspective and expertise on a rapidly changing part of the world that now plays a larger role in the United States economy than Europe or the United States' North or South American neighbors. His special accomplishments, not just as a senior military officer, but as a representative of America to the peoples and nations of Asia and the Pacific, merit our congratulations and appreciation.

As commander in chief, U.S. Pacific Command [CINCPAC], Admiral Hardisty is the senior United States military officer in the Asia-Pacific and Indian Ocean areas—an area of more than 100 million square miles or one half of the Earth's surface. More than 370,000 personnel, 2,500 aircraft and 250 ships are under his command.

When asked by the U.S. Congress to assess his area of responsibility, Admiral Hardisty observed:

> The region is marked by change. With the exception of Europe, all regional powers emerging in the multipolar world will be in, or border on, the U.S. Pacific Command.
>
> We have two broad regional objectives. First, we wish to maintain an overall environment of stability and regional balance in which democracies can flourish and economies can grow. Second, we should maintain a deterrent posture where circumstances warrant.

In his 2 years as CINCPAC, Admiral Hardisty has responded to that changing world. Under his direction, a new Pacific Command strategy was developed to adjust to significant changes in military postures in the theater. For example, the military forces assigned to defend Alaska and the northern approaches to the United States were brought under the U.S. Pacific Command to complete the defense shield of the Pacific.

As our military became directly involved in our Nation's war on drugs, Admiral Hardisty activated a new joint headquarters—Joint Task Force Five—to coordinate identification, tracking and interdiction of drug traffickers in close coordination with U.S. law enforcement agencies. One of the greatest counternarcotics successes of recent years—the 1990 marijuana crop eradication program in Hawaii—was due in large part to his strong support.

Admiral Hardisty serves as the senior Defense Department representative to more than 40 Asia-Pacific nations and territories. During the course of a year, he travels thousands of miles to meet with senior military and political leaders of U.S. friends and allies. Such meetings have strengthened the ties between the United States and nations throughout the region and enabled United States military forces to be forward deployed around the Pacific rim, where they contribute to regional stability and our own national security.

A graduate of the U.S. Naval Academy, Annapolis, MD, Admiral Hardisty first attended the University of North Carolina at Chapel Hill in 1947. He left UNC in the summer of 1948 when he received his appointment to the Naval Academy. He began his career as a naval aviator in 1953. Today, he carries the honored title of the Navy's "Gray Eagle," the most senior naval aviator on active duty.

His name is in the aviation record books, as well. In August 1961, over the White Sands Missile Range in New Mexico, the admiral flew an F-4B Phantom II at an average speed of 902 miles per hour—Mach 1.2—about 125 feet above the ground, briefly dipping to as low as 50 feet off the deck. That low-level speed record was unbroken for 16 years.

Admiral Hardisty has served as commander the U.S.S. *Savannah* and the U.S.S. *Oriskany*, as well as Attack Carrier Air Wing II, Carrier Group 7, Carrier Group 5/Carrier Strike Force 7th Fleet, and the United States facility at Subic Bay, Republic of the Philippines.

While serving in a number of key staff positions, Admiral Hardisty helped shape today's well trained, high quality military force. As dean of academics and acting president of the Naval War College in the late 1970's, he influenced many of the Navy's current senior leaders. Later, he was assigned as the Director of Operations for the Office of the Joint Chiefs of Staff during a very active period which saw a U.S. response to the *Achille Lauruo* highjacking, the retaliatory bombing of Libya, and the peak of Soviet power under Leonid Brezhnev. In 1987, he was appointed Vice Chief of Naval Operations, where he took a special interest in the welfare of naval personnel and their families, heading a blue ribbon commission on Navy medicine.

Key to our defensive strategy in the Pacific is maintaining access and influence throughout the theater, and ensuring United States forces are forward deployed. Admiral Hardisty's leadership was instrumental in discussions with the Governments of Singapore, the Republic of the Philippines, the Republic of Korea and Japan to continue, as they decided to establish or renew agreements to maintain a United States presence. This diplomatic effort has also resulted in improved interoperability of military forces in training and contingency operations.

Support of Operation Desert Shield and Operation Desert Storm has been Admiral Hardisty's highest priority during the latter portion of his tour at the U.S. Pacific Command. Under his

guidance, Pacific Command deployed major air, sea, and ground forces to the Middle East, and played a key role in the rapid movement of supplies and ammunition to the area.

PHILIPPINE LEGION OF HONOR, AND VARIOUS CAMPAIGN MEDALS

Throughout his long, distinguished career, Admiral Hardisty has devoted himself to maintaining the security of his country. I would like to, on behalf of a grateful nation, acknowldge this great American.

HONORING THE SERVICE MEN AND WOMEN IN THE PERSIAN GULF

Mr. GORTON. Mr. President, the lives of all Americans have been changed by the events of the last 3 weeks. Our attention has been riveted to news of the war on the gulf. Our thoughts turn constantly to the brave and dedicated men and women in uniform who are serving the cause of justice, freedom, and peace in that conflict. All deserve our praise, our support and our prayers.

A few of these men and women, however, have already given their lives for us and for our cause. Two of them are from the State of Washington. Their loss is a cause of deep sorrow to all of us, mitigated only by the thought that they gave their lives to a great and noble cause.

Marine Lance Cpl. Michael E. Linderman, Jr., and Air Force 1st Lt. Eric Hedeen were killed serving in the Persian Gulf.

These young heroes deserve to be recognized because they have paid the ultimate price to uphold the ideals upon which this country is based.

In an article in the February 6 edition of the Seattle Post-Intelligencer, Eric Hedeen's father expressed a sentiment all Americans should take to heart, a sentiment that is foremost on the Hedeen's minds since their lives have been so deeply touched by the price of freedom, "Freedom doesn't come cheap; you have to pay for it. He paid for it, his parents paid for it, his wife paid for it."

The precious lives of the service men and women serving in the gulf must be remembered as the cost of a better world. As Hedeen's father continued, "Because there's this naked aggression in the gulf area, with Saddam attempting to destroy civilization as we know it, you can't just sit there and do nothing. You do something, Eric believed in duty, honor, and country."

Corporal Linderman and Lieutenant Hedeen were willing to contest Saddam Hussein's threat to the world. Their commitment to our Nation was distinguished by their willingness to sacrifice their own lives for us.

Their families and friends have sacrificed as well. As Hedeen's father continued, "There are a lot of people in America like us, with children over there, who are scared for their safety. We want people to understand they need your help. You've got to let the troops know you're with them. If you're sitting at home protesting, you're not doing them a hell of a lot of good."

Hedeen's wife, Susan, could have been speaking for all servicemen when she said, "Eric is one of the most patriotic people I know. He is wearing red, white and blue angels in heaven right now. He always said if the had to go he wanted to be fighting for his country. I would have had it no other way, except maybe 50 or 60 years from now."

We honor and deeply appreciate those who have given their lives and those who continue to put their lives on the line so that we may enjoy a nation dedicated to justice, freedom, and peace.

REFOCUSING SDI: IMPLICATIONS FOR THE ABM TREATY

Mr. COATS. Mr. President, I rise today to address the subject of the strategic defense initiative and the ABM Treaty.

On January 29, 1991, in his State of the Union Address, President Bush outlined for the Nation his plans for refocusing the strategic defense initiative. The President informed the American people that he had "directed that the SDI Program be refocused on providing protection from limited ballistic missile strikes, whatever their source." The President's decision to refocus the SDI coincided with the tremendous success of the Patriot tactical missile defense system in defending against Iraqi Scud missiles used to attack United States forces and innocent civilians in Israel and Saudi Arabia. The American people have seen the evidence—ballistic missile defense works. With this experience in mind, President Bush has requested that Congress support an SDI Program that will permit the United States to build on this success and provide more effective defenses for American citizens and U.S. forces and friends overseas. The revised SDI Program, known as Global Protection Against Limited Strikes, or GPALS, is designed to be affordable and to provide protection against limited, accidental, or unauthorized ballistic missile attacks, whatever their source.

Despite this clear evidence that ballistic missile defenses are becoming more necessary and technically feasible, there have been numerous complaints that GPALS will violate the ABM Treaty—that it is more important to preserve the ABM Treaty as ratified in 1972 than to defend American citizens and friends.

It is certainly true that deployment of a territorial defense for the United States to protect against strategic ballistic missiles is prohibited by the ABM Treaty. The point should be added, however, that the ABM Treaty was intended to be a living document that can be amended to meet changing conditions. Article XIV of the treaty explicitly provides for proposed amendments, and article XV includes provisions for withdrawal from the treaty. Clearly, if the United States and the Soviet Union decide that nationwide strategic defenses are in their national interests they could use the appropriate legal avenues for amendment or withdrawal—not violation.

The argument that we should not tamper with the ABM Treaty is based primarily on two assumptions: First, that deploying strategic defenses will only fuel an arms race, leading the Soviets and presumably other countries to simply add many more offensive missiles. Second, that ballistic missile defenses would be destablizing, that they would erode deterrence and create incentives to strike first in a crisis. Let me briefly address these two assumptions in a historical context and in light of the President's proposed GPALS Program.

During the early 1970's, the arms control case against ballistic missile defenses was logical, if untested against reality. There was reason to believe reductions in defensive forces could lead to reductions in strategic offensive forces. Developments since then, however, suggest that this arms control case against missile defense has been mistaken.

For example, by the early 1980's it was clear that while the ABM Treaty precluded any serious strategic missile defenses, it could not lead to a reduction in the Soviet buildup of offensive ballistic missiles, as had been predicted by those who pressed for the ABM Treaty during its negotiation and ratification. Former Secretary of Defense Harold Brown summed up our experience with regard to Soviet offensive arms racing following the ABM Treaty by stating, "When we build, they build; when we stop building, they nevertheless continue to build."

We now know that the Soviet buildup of the 1970's and 1980's had nothing to do with a defense driven arms race dynamic. Indeed, there is reason to believe that the Soviets undertook an offensive buildup in large part because we had no defense. Soviet military doctrine has long been driven by a theory of damage limitation. Once they were denied the ability to limit damage through defenses, the Soviet military attempted to achieve essentially the same capability by building a preemptive offensive missile force, driven by United States vulnerability. Soviet military doctrine held that if the U.S.S.R. could not be defended against missile attack, it needed to have the ability to preemptively destroy enemy missile forces before they could be launched. Moreover, in the late 1960's

and early 1970's, when the ABM Treaty was being negotiated, the technology for building a preemptive counterforce capability was more readily at hand than that needed to build an effective ABM system.

However, one interprets Soviet military doctrine and their sustained offensive buildup over two decades, one thing is sure: The traditional notion that missile defense means an arms race, and that the absence of missile defense precludes such an arms race is mistaken.

Also in the 1980's, prominent American critics of missile defense questioned the upgrading of the Patriot to provide it with an antimissile capability—the capability now applauded by all. This reluctance stemmed from the same arms control case against missile defense: Wouldn't the provision of an antitactical missile defense capability disrupt the prospective elimination of intermediate-range nuclear forces [INF]? The Soviets, according to the traditional argument, would be compelled to maintain or increase their offensive capabilities in order to overcome United States defenses.

In addition, strong claims were made at the time by many of the same critics that upgrading the Patriot would destroy the ABM Treaty—presumably because it would blur the distinction between permitted antitactical missile defenses and prohibited strategic missile defenses.

What transpired, however, has served to demonstrate that reality is not sympathetic to the traditional arms control case against missile defense. The INF Treaty, signed in 1987, went forward without a hitch and the Soviets have continued to show interest in eliminating other classes of offensive weapons. Not only did Patriot's upgrade to an antitactical missile defense system not destroy the ABM Treaty and undermine offensive arms control, as some wrongly argued, but Soviet officials have recently endorsed the use of Patriot against Saddam Hussein's Scud missiles in the gulf war.

Some Soviet military and political officials have explicitly stated that both the United States and the Soviet Union should move jointly toward expanding missile defenses beyond that allowed by the ABM Treaty, as a complement to offensive reductions. The Soviets have recently begun to express great concern about missile proliferation near their borders. Clearly such proliferation threatens the Soviet homeland more than the United States, at least for the immediate future.

President Bush's direction that the SDI be oriented toward defending against limited strikes obviously results in large part from the same concern about ballistic missile proliferation that confronts the Soviet leadership. Clearly, there is a significant level of common United States and Soviet Union interest in protection against multiplying missile threats. Such a cooperative move would facilitate the mutual deployment of strategic missile defenses without violation of the ABM Treaty and without offensive arms racing. This, of course, has been the explicit goal of the U.S. negotiating position at the Defense and space talks in Geneva since 1985.

The second principal argument why we should not disturb the ABM Treaty is that deploying strategic defenses would erode deterrence and cause strategic instability. The underlying premise here is that a United States nationwide missile defense will lead the Soviets to question the effectiveness of their retaliatory capability. In other words, the Soviets would fear that a United States missile defense system would be used to shield an American first strike, hence they would be under greater pressure to strike first in a crisis.

This view was debatable when SDI was focused on deploying a highly effective defense against a massive Soviet attack. Today, with the GPALS configuration oriented toward defense against limited strikes, this argument is no longer relevant. To the extent that GPALS is designed to defend against a Soviet threat, it would not significantly erode Soviet retaliatory capabilities—hence it would not increase Soviet incentives to preempt in a crisis. In fact, given the instability of the Soviet domestic scene, the Soviet leadership should welcome the knowledge that an accidental or unauthorized launch from their territory would not cause the United States to retaliate. As such, GPALS will be highly stabilizing.

This is not to say that GPALS will not be a factor in the deterrence equation. Since even limited BMD protection of U.S. retaliatory forces can enhance their survivability, GPALS will strengthen deterrence without adding first strike incentives for either side. Even the most ardent believers in "mutual assured destruction" should support a limited defense of U.S. strategic forces. GPALS would not undermine Soviet retaliatory capabilities, yet limited defenses would create a high degree of uncertainty in the mind of any prospective attacker who must assume that some U.S. retaliatory forces will survive his first strike. Hence, GPALS would dampen first strike incentives without eroding United States and Soviet confidence in deterrence.

By strengthening crisis stability, GPALS would establish the basis upon which United States and Soviet negotiators at the defense and space talks would build a more balanced offense-defense deterrence relationship. While American opponents of SDI have long ridiculed the notion of a cooperative transition away from offense-only deterrence based upon the threat of nuclear retaliation, some Soviet officials have begun to embrace the concept.

For example, in December 1989, Mikhail Aleksandrov, a member of the U.S.S.R. Ministry of Foreign Affairs, wrote that, "It appears that if the development of defense technologies is correctly oriented, it may result in a better model of strategic stability." According to Aleksandrov, the "model of defense domination will make it possible to switch over to a defensive military doctrine at all levels of confrontation." Surely the American people would not want the U.S. Congress to use the ABM Treaty as an excuse for not moving to a more secure, defense dominant deterrent relationship.

GPALS will also be stabilizing on the broader, global level. As I mentioned previously, the Soviets have more to fear from the proliferation of missiles and weapons of mass destruction than does the United States. Missiles of intermediate ranges can strike vast segments of Soviet territory if deployed in the Middle East. This emerging threat has indeed been recognized by Soviet officials. Even some conservative government leaders who oppose political and military reforms in the Soviet Union agree. For example, People's Deputy, Col. Viktor Alksnis, in a speech before the U.S.S.R. Supreme Soviet on October 15, 1990, made the following statement:

> I would like to touch on the issue of the U.S. Strategic Defense Initiative. I am increasingly leaning toward the point of view of the Americans who, according to the information available to me, are primarily designing this system as a defense against accidental nuclear attack. I believe that a nuclear war between the U.S.S.R. and the United States is indeed impossible. However, who can rule out such a possibility, given the proliferation of nuclear weapons and means of mass destruction throughout the world.

It is thus clear that the two standard arguments for not modifying the ABM Treaty—that doing so would cause an arms race and/or create strategic instability—have not measured up to the test of time and have been rendered largely irrelevant in the context of GPALS. It is becoming increasingly clear that the ABM Treaty will need to be modified to accommodate missile defense deployments. We are currently permitted to deploy unlimited theater missile defenses and up to 100 ground-based strategic defense interceptors at one site in the United States. Unfortunately, 100 interceptors will not provide effective coverage of the United States. It would be an irony indeed if we were permitted to deploy a robust defense overseas but were denied a similar degree of protection for American citizens at home.

This is not to argue that missile defenses can serve as a panacea for the problem of weapons proliferation. The United States and our allies will have to vigorously pursue arms control initiatives and technology control meas-

ures in an attempt to curb the flow of advanced weapons, especially weapons of mass destruction and their means of delivery, to unstable regions. We must recognize, however, that the genie is out of the bottle.

Trade in weapons, even when illegal, is lucrative business and we can never count on an airtight control regime. Moreover, many Third World countries now have indigenous capabilities to develop and deploy high technology, including the skills needed to build and deploy ballistic missiles and weapons of mass destruction. As the gulf war has demonstrated, deterrence as we have come to know it is highly unstable in the Third World. Emerging regional powers regard ballistic missiles and weapons of mass destruction as symbols of power and prestige. Unfortunately, they also regard them as weapons of choice.

Mr. President, the ABM Treaty was negotiated and ratified in a very different strategic and international political environment. Some of the Treaty's underlying premises have turned out to be flawed while others are no longer relevant. It is in the mutual interest of the United States and the Soviet Union to proceed with a cooperative transition away from the existing ABM Treaty. This does not mean violating the treaty, we simply need to modify it. Rather than holding on to outdated notions of deterrence and stability, the Congress should encourage this cooperative move toward greater emphasis on defense.

BLACK HISTORY MONTH

Mr. BINGAMAN. Mr. President, my home State of New Mexico is a special place, blessed with a rich and venerable cultural diversity. As our celebration of Black History Month draws to a close, I want to share part of New Mexico's cultural tapestry with my colleagues and pay tribute to several New Mexicans whose talent, compassion, and goodness have strengthened and enriched our lives and our State.

Over the centuries, Black Americans have played a critical role in shaping New Mexico. One of the first explorers of the southwestern United States was a black slave from Morocco, Estevanico, or Esteban. It was Estevanico's tales of the fabled Seven Cities of Cibola that led to Coronado's expedition in 1540. A year before Coronado's expedition, Estevanico guided a group of explorers into what is now New Mexico in search of the golden cities. He reached Cibola, but met with adversity instead of gold and was killed. Estevanico's legacy remains, however.

Today, as many Black Americans continue struggling to make the promise and dream of America a reality for their families, we are reminded that black history is American history. And in communities throughout the United States there are those who rise above adversity and become role models for all to admire and respect. New Mexico is home to six such individuals, who have dedicated their lives to enriching others, ensuring equal opportunities for all, and speaking out for those unable to speak for themselves.

Mr. President, I am very proud to honor Mrs. Charlesetta "Charlie" Morrisey who has devoted 20 years of her life in service to the community. Her many hours of tireless volunteer work are second to none. Charlie wholly represents the essence of what we celebrate this month. In her own words she says, "Doing volunteer work in the community is the only arms, feet, and eyes that God has. We are it. If not for us, things would not get done." With Charlie at the forefront, things are getting done.

For Mr. Jessie Waddles, being a role model is something to enjoy. A self-made businessman, Mr. Waddles' tenacity and involvement is an inspiration to all. Although he left school in eighth grade, Mr. Waddles continues to work for others and for his community.

Mrs. Gerry Harge, who has attained the level of Assistant Superintendent in the Albuquerque Public School System, has been a teacher, counselor, assistant principal, and principal. Guided by Mrs. Harge's efforts, APS developed a funding program that allows individual schools more flexibility in their budgeting strategies and initiated a pilot year-round school program. Mrs. Harge knows the importance of equality in education and has effectively faced that challenge.

Sister Dolly Wrenn, known affectionately in Albuquerque as Sister Dolly, has been a missionary for more than 30 years. Most of those years have been devoted to feeding and sheltering the homeless. In 1975, Sister Dolly opened the Haven of Love Shelter for Women and Children. In 1987, she opened God's Kitchen. Even though a heart ailment has sidelined Sister Doly over the past several months, she remains undaunted. Her endeavors serve to remind us of another remarkable black American, Frederick Douglass, who said, "If there is no struggle, there is no progress."

Ms. Linda Piper, an artist-in-residence with the New Mexico Arts Division, has devoted much of her spare time to the youth of New Mexico. Through a program called "Working Classroom," Ms. Piper works to help build self-esteem in low-income youth. She is also the founder of a multiethnic theater company, Tapestry Players. Her efforts on behalf of today's youth are helping to ensure excellence in the arts for our future generations.

Last, but certainly not least, Mr. Basil Steele, an electrical engineer, spends most of his spare time tutoring students through programs like "Hands of Minds on Technology." Mr. Steele recognizes the hidden talent in our children and knows that for our State and Nation to compete in the world marketplace, we must have a generation of thinkers who can excel in math and science. He strives daily to guarantee that minority youth are not left behind.

Mr. President, Black History Month is indeed a time for celebration in New Mexico. The distinguished individuals I have mentioned today continue to make our State a better place in which to live and grow. These six outstanding individuals go about their work without receiving much public praise, but their tremendous contributions make us all proud and serve as shining examples of what we all can achieve if we focus our concern on our fellow Americans.

Every year, Black History Month provides us with the opportunity to focus attention on the role of black Americans in shaping American history, a role that has been too often overlooked. This attention is fitting. I sincerely hope, however, that this month also serves to remind us that there is much more to be done. The struggle to achieve true equality for all Americans is not over. Our fight continues today. Black History Month, I believe, is a step in the right direction, and I am proud of Mrs. Morrisey, Mr. Waddles, Mrs. Harge, Sister Dolly, Ms. Piper, and Mr. Steele for pointing us in the right direction and leading our State and Nation down the path toward equality and opportunity for all.

CED STUDY—"THE UNFINISHED AGENDA: A NEW VISION FOR CHILD DEVELOPMENT AND EDUCATION"

Mr. KENNEDY. Mr. President, the needs of children are the subject of a major study, released today, by the respected Committee for Economic Development, in a report entitled "The Unfinished Agenda: A New Vision for Child Development and Education."

In vivid and irrefutable detail, the report documents many years of neglect of America's children, and calls for a specific action plan by Congress and the Nation to deal with this critical challenge in a comprehensive and effective way.

The CED report is a wake-up call about the distressing state of America's children and the even more distressing implications for the future, and I hope that all Members of Congress will take the time to read it.

The high infant mortality rate in the United States is an appalling national disgrace. The poverty rate for American children is three times higher than in most industrial countries. We have a smaller high school graduation rate, and a larger teenage pregnancy rate.

In an international survey of 13-year-olds, we rank last in math. Our adult illiteracy may soon be the worst among developed nations. Yet we spend the least on job training and skill development.

For a decade, we have increasingly neglected our children, and now we are paying the price. The country that is first in smart bombs cannot afford to be last in smart students.

We cannot meet the challenge of the 21st century, without more investment now in children. Every business leader understands the problem—tomorrow's work force is in trouble today.

Unlike other problems that plague our society, we know how to deal with this crisis—what we lack is the will.

Cost-effective programs are no secret. We know they can work. As preventive measures, they are the stitches in time that saves lives and build successful futures. As CED's landmark report reaffirms, investment in children is sound public policy and good business sense. As it states bluntly, there is no better return on investment.

One dollar spent on prenatal health care saves in short-term hospital costs. Yet 1 in 4 children fail to receive it.

One dollar spent on childhood immunization saves $10 in later medical costs. Yet, 1 in 3 children fail to receive it.

One dollar spent on Head Start saves $7 in future costs for special education, public assistance, and crime. Yet a third of all eligible children fail to receive it.

The question is not whether we will pay, but when and how much. Will we invest wisely today, or foolishly tomorrow, in a futile follow-on struggle to repair the day-to-day damage caused by our failures to act in time.

For example, President Bush and the Governors have declared "school readiness" to be our country's No. 1 education goal. Nice words—but words without deeds won't work. If all children are to enter school ready to learn, every child must receive a healthy start and a head start.

CED's blueprint calls for a total of $10 billion in new public spending at all levels of government—Federal, State, and local, over the next several years. Based on the current division of spending, the Federal Government will bear the bulk of that tab.

The price of success is high. But the cost of failure is even higher. The challenge for all of us is to work together to identify resources and make them available.

When the time came to protect our vital interests in the Persian Gulf, we found the resources to act quickly and effectively. As CED states in its report, programs for young children also involve our national security. Sadly, however, those programs, which should have the highest national priority, still rank among the lowest political priorities. As we all know, if children could vote for their interests, they would have far better protection.

Half a century ago, to fulfill our national commitment to senior citizens, we enacted social insurance programs that are stronger than ever today, that are widely supported, and that are still remarkably well funded, considering our budget distress. Now, in the 1990's, it is time to do something similar—it is time for a new deal for children.

Business and labor, Governors and mayors, Congress and the administration, we are all in this together, and we must challenge one another to find the resources to give children the priority they deserve.

I intend to do my best to see that Congress does its share, starting this year. It is unrealistic to expect that we can reopen the budget deal, at least for now. But that does not mean we are without realistic options.

As a start, we should review all domestic discretionary spending—across the board. Given our limited resources, we must maximize the return on all our investments. The Senate Committee on Labor and Human Resources is prepared to establish more rigorous priorities for programs in our jurisdiction, and we challenge other committees to do the same.

Some issues will inevitably cut across committee lines. Investments in school-age children must be weighed against expansions of space-age technology. And 2 years from now, if the 5-year budget deal continues in force, we will also be balancing spending for star wars against investments in star schools.

I suggest a new kind of thinking about social programs in this country—what I call public enterprise.

We cannot afford to keep throwing money at problems, as we often admittedly do. We need to apply the same rigorous standards used by business in private enterprise.

Programs that do not meet their goals at reasonable cost must be redesigned or replaced. Those that are cost effective—and save money in the long run—must be expanded.

With this approach in mind, I intend to ask the Congressional Budget Office to score programs not only by what they spend, but by what they save. Any good business looks at that bottom line, and so must the Government.

Under the budget deal, we must also try to take domestic discretionary programs of the highest importance, and turn them into entitlements. Programs involving farm price supports, drought relief, and many other subjects are entitlements, and programs for children deserve the same priority. Just as senior citizens are entitled to Medicare, so children should be entitled to immunization against disease, to other basic health care, and to a head start in life.

In a similar way, businesses should be entitled to a literate and healthy work force, well-trained and ready to work. All of you know how much business already pays to remedy past failures, or to cover up for the growing deficiencies in new hires. We need to ask our schools to smarten up, instead of forcing business to dumb down.

In addition, we should explore the use of dedicated taxes to fund the most urgently needed priorities. In recent years, there have been numerous proposals to create special trust funds for education, the environment, and children—and those ideas are gaining new support today. But as we all know, creating the trust fund is the easy part; dedicating the tax takes a little longer.

A final approach to new funds is to obtain the agreement of the President to designate certain spending as an emergency. Once the designation is made, the spending goes off-budget, beyond the restrictions of last fall's agreement. The question is whether Congress has the will to treat our children as well as we treat our S&L's.

Perhaps we can convince President Bush, as CED states in its report, that what is "at stake is the survival of our free enterprise economy, our democratic system, and the American Dream itself." That sounds like an emergency to me.

However difficult it is to find these resources, we are gaining a greater sense of urgency that new funds somehow be found. We are not just debating problems of a disadvantaged few, but fundamental challenges that will determine the rise or fall of America.

Our brilliant Middle East military success cannot long obscure the plain fact that we have allowed the Nation to decline for a decade, and the slide is turning steeper.

The choice is not between national security or domestic strength. We cannot be truly strong abroad, unless we are also strong at home.

This Nation can still be as productive in peace as in war. America must not rest on its laurels and return to the status quo before the Persian Gulf war.

Just once, on children and education and health care and other essential domestic challenges, I would like to hear President Bush sound the call for action as clearly as he has done in recent weeks on the Persian Gulf. We need action on our challenges here at home that is swift, overwhelming, and decisive.

What we need is not just a new world order, but a new American order. In working together to achieve it, we will be true to our history, true to our heritage, and true to the high American ideals that our courageous men and women are fighting for in the Middle East.

Mr. President, I ask unanimous consent that a brief excerpt from the CED report entitled "Key Imperatives for

Change," and a table from the report summarizing the estimated additional cost of the needed services for children may be printed in the RECORD.

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

[Excerpts from "The Unfinished Agenda: A New Vision for Child Development and Education"]

KEY IMPERATIVES FOR CHANGE

1. The nation needs a comprehensive and coordinated human-investment strategy for child development and education that helps all children become productive citizens and self-sustaining adults. The profound changes in family structure and stability coupled with the necessity for educating all children are forcing society to assume greater responsibility for the successful development and education of children. As a first step, every community should conduct a formal assessment of how it is addressing the needs of children, paying particular attention to the barriers that prevent change.

2. Programs for assisting children should also help strengthen the entire family. Family is central to every child's life, but when parents cannot give adequate care, especially young parents who may not have even basic parenting skills, society should provide the kind of support and assistance that will teach them to nurture their children and help strengthen their family.

3. Every teen mother and father who has not finished high school should have access to a specialized school equipped to deal with the problems of teen parents and their children. Teenage parenthood is a major cause of dropping out and family poverty. Programs designed along the lines of Albuquerque's New Futures School help teen parents develop the parenting, learning, and job skills they need while providing their children with developmentally appropriate early childhood education.

4. Quality early childhood education should be available to all children who may not otherwise get adequate preparation for formal education from their families. All children need to experience successful physical, social, emotional, and cognitive development to be able to embrace educational and social opportunities successfully. Whether called *child care, early childhood education*, or *preschool*, all programs for young children should be developmentally appropriate and focus on their educational needs. Public school systems should recognize the importance of early childhood education to their educational mission and help to ensure that quality programs are both available and accessible to all children who need them.

5. Programs that address the needs of children and families must be flexible in design, administration, and funding. Service providers often operate under crippling constraints and rigid funding dictated by federal and state governments that often prevent them from meeting the complex needs of the children and families they serve.

6. Successful programs must be broadly replicated so that they are both more available and more accessible to all children in need and their families. We know what works in education and child development, but few successful programs ever get past the pilot stage and seldom reach more than a small percentage of the children who need them.

7. The mission of the public schools must be redefined to account for the changing requirements of society and the needs of children. Clearer goals and more effective methods of measurement are needed if the schools are to become more accountable for results. Communities must reach a consensus on the appropriate social and educational roles of the public schools before school restructuring can take place. Business should work with educators, public officials, and other community leaders to develop goals for education and measures of performance that reflect the real skills and knowledge that students will need when they embark on their adult responsibilities.

8. Students must be encouraged to take greater personal responsibility for the success of their own education. Only someone who is actively engaged in the learning process will become an educated person. Business should work with educators, parents, and students themselves to provide greater incentives for students to work harder and learn better.

9. Businesses should encourage their employees and other adults to volunteer in education and child development programs. Volunteers are critical to the success of many programs that call for increased interaction between adults and children, such as mentoring and preschool. Business should also provide the training and support necessary to ensure a successful volunteer experience.

10. Business should play a leadership role in identifying strategies for improving children's educational development and in determining what resources are needed to achieve results. Although many of the changes in public policy and practice that are needed to improve child development and education will result in cost savings down the road, other essential improvements will initially require new investments. Business should lend its expertise to improving the management of existing resources and to achieving savings in other government programs that can be reallocated to the needs of children and schools. Where necessary, business should provide support for increasing the level of resources. State government should be the prime target of business involvement in policy, since most decisions on policy, practice, and funding in education and child development are made in state legislatures.

Funds needed for early childhood development of poor children

Programs:	*Cost (billions)*
Prenatal care[1]	$0.56
WIC[2]	3.60
Childhood immunization[3]	.08
Infant/toddler care:[4]	
1-and 2-year-olds:	
880,000 full-day × $5,000	4.25
880,000 half-day × $4,000	3.55
Preschool:[5]	
3-and 4-year-olds:	
888,000 full-day × $4,800	4.26
888,000 half-day × $3,640	3.23
Total funds required to ensure adequate development and early education of poor children	19.53
Federal funds currently allocated:[6]	
WIC	2.35
Child care	5.00
Head Start	1.95
Total	9.30
Total new funds needed	10.23

[1] Estimate based on 3.9 million live births in 1988, of whom 24% were born to mothers who received no first trimester care, and average cost per client of $600 per client.

[2] Congressional Budget Office, September 1990. About half of those eligible are currently being served.

[3] Source: Children's Defense Fund, *S.O.S. America: A Children's Defense Budget*, page 74.

[4] Estimate based on number of births in 1988 surviving to age one multiplied by a 23% poverty rate for all children under age six. Assumption is that about half of these children would be enrolled in full-day and half in part-day programs.

[5] Program cost estimates from GAO report, *Early Childhood Education: What are the Costs of High-Quality Programs?*, January 1990, and Human Services Reauthorization Act of 1990, Senate Report 101421, August 1990. Total costs based on estimate of number of children in those age groups living in poverty using the 23% poverty rate for all children under age six.

[6] Includes 1991 appropriations for WIC, Head Start, and child care under a variety of federal child care programs, including the child care tax credit and pretax dependent care deduction.

TRIBUTE TO ANN LYON CRAMMOND, FORMER EXECUTIVE DIRECTOR OF THE ATLANTA BOTANICAL GARDEN

Mr. FOWLER. Mr. President, the conservation community suffered a tragic loss last week when Ann Lyon Crammond, former executive director of the Atlanta Botanical Garden, was killed in a plane crash off Chile. Two other prominent Georgians, Mrs. Dorothy Day and Ms. Elizabeth Stone, were also among the victims.

The group was bound for an exploratory cruise of Antarctica, an expedition that typified Ann Crammond's approach to living. Her sense of adventure, energy, and commitment to lifelong learning were an inspiration to all of us who knew her.

Among her many contributions, Ann Crammond is best known for her instrumental role in developing a world-class botanical garden in Atlanta. The garden was little more than a plot beside two trailers serving as makeshift headquarters when she accepted the challenge of directing the project in 1979. Her gift for fostering community involvement and for motivating colleagues and volunteers helped realize a dream that many thought impossible.

During her 11 years as executive director of the Atlanta Botanical Garden, Ann raised over $20 million to support several ambitious building projects, shows, and seminars, and the creation of acres of gloriously landscaped grounds. Her final project was the construction of the Dorothy C. Fuqua Conservatory, a repository and showcase for rare and endangered plants from every part of the globe.

Today, the Atlanta Botanical Garden is a source of civic pride, a center for learning and quiet reflection, and an international attraction. Although Ann refused to take credit for the gar-

den's unprecedented success, she was the galvanizing force behind its creation. It was a remarkable achievement, and Atlanta is a much richer community for the gifts of this remarkable woman.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBB). The period for morning business is now over.

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Senate Resolution 62, which the clerk will report.

The legislative clerk reads follows:

A resolution (S. Res. 62) authorizing biennial expenditures by committees of the Senate.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, Senate Resolution 62, the Omnibus Committee Funding Resolution for 1991 and 1992, authorizes expenditures for committees of the Senate. The accompanying report, 102–15, explains it in detail. The ranking member of the Committee on Rules and Administration, the senior Senator from Alaska, and I have worked closely on this authorization.

On November 15, 1990, the Rules Committee sent to all Senate committees budget packages for 1991 and 1992. Our guidelines to committees at that time were that the total increase for committees must be consistent with the fiscal year 1991 legislative branch appropriations bill which mandated that any pay raises for fiscal year 1991 shall be absorbed within the levels appropriated in that act.

The Rules Committee notified all committees that for the 1991 funding period ending February 29, 1992, each committee's salary baseline may be increased by 4.1 percent over the 1990 salary baseline reported in Senate Report 101–3. Likewise, the 1992 salary baseline could only be increased by 4 percent, the amount assumed by OMB for the January 1992 COLA. In addition, committees were instructed that they could budget the January and February 1992 COLA at 4 percent and the January and February 1993 COLA at 3.7 percent. Finally, administrative expenses for 1991 only were granted a 5-percent increase over the 1990 levels.

Senate Resolution 62 essentially follows the guidelines except for the following Committees: Armed Services; Banking; Finance; Foreign Relations; Indian Affairs; and the Labor Committee. For the Armed Services Committee, four nonrecurring positions are requested. For the Banking Committee, 9 nonrecurring positions which were authorized in the 1989–90 budget were converted to permanent positions, and 10 new permanent positions are recommended. For the Finance Committee, six new permanent positions and one temporary position for 1991 only are recommended. For the Foreign Relations Committee, eight nonrecurring positions are recommended. For the Select Committee on Indian Affairs, four new permanent positions are recommended. For the Labor Committee, three nonrecurring positions are recommended. Finally, it should be noted that the Rules Committee did not include merit pay increases for any committee in the biennial funding resolution.

The policy on surplus funds adopted in 1989 and repeated in the budget guidelines states that surplus funds existing at the end of this funding period would not carry over into the next funding period. Surplus funds could be carried forward from the first year of the funding period to the second year but not from Congress to Congress.

Unrestricted use of surplus funds existing at the end of the 1988 funding period was permitted in fiscal year 1989 on a one-time basis to permit a transition into the biennial funding policy. This budget, as recommended, incorporates the use of surplus funds but requires that they be used to cover recommended increases.

The recommendation proposes to use the surplus as follows:

First, use up to one-half of the estimated surplus as of February 28, 1991, to cover recurring increases and nonrecurring authorizations recommended in 1991. If less than one-half is required to cover these increases, only the amount of the increase is recommended. No budget base is reduced below the 1990 level.

Second, carry forward a minimum from 1991 to 1992 in an amount equal to one-half of the estimated surplus as of February 28, 1991, to cover recurring increases and nonrecurring and authorizations recommended in 1992. If less than one-half is required to cover these increases, only the amount of the increase is recommended.

The effect of this recommendation is a 4.57 percent overall increase in new funding from 1990 to 1991 and a 3.93 percent increase in new funding from 1991 to 1992.

Nonrecurring positions are essentially funded with surplus funds. In addition, by using surplus funds, several committees will not require an increase in funding authorization above the 1990 level for their 1990 budgets.

The policy change just explained does incorporate a change for the next funding period. The recommendation is that committees be permitted to retain 50 percent of their surplus as of February 28, 1993, to cover nonrecurring needs that enhance efficiency in the commmittee. This policy also will create an incentive for those committees with nonrecurring positions to save sufficient funds to cover these positions in the 1993 funding period. The remaining 50 percent will be used to reduce the 1994 committee funding needs.

The policy of permitting a carryover of surplus funds has reduced the incentive to spend it all as reflected in the past 2 years. During the first year of the 1989–90 funding period, committees carried forward a surplus in excess of $6 million and estimate to end the current fiscal year with a surplus of over $4.3 million. The expectation is that the new policy will encourage an even lower level of spending.

In summary, I would again like to point out as I did 2 years ago, that the budget base for committee funding for the 103d Congress will be the recurring amounts only. In the future, special needs of committees will continue to be considered and funded only on a temporary nonrecurring basis.

Mr. President, the committee budgets for 1991 and 1992 recommended by the Rules Committee are not extravagant. Great care has been taken in examining the requirements of committees during these difficult times the country faces both at home and abroad. I recommend that the Senate adopt Senate Resolution 62.

Mr. President, today we are considering Senate Resolution 62, the Omnibus Committee Funding Resolution for 1991 and 1992. It includes funding authorization for Senate committees for the 102d Congress.

Mr. President, I will not repeat the detailed explanation contained in the report that accompanied the resolution. But there are several points I would like to emphasize.

First, most committees explicitly followed the guidelines set by the Rules Committee.

Second, new permanent positions for Banking, Finance, and Indian Affairs are recommended. Nonrecurring positions for Armed Services, Finance, Foreign Relations, and Labor are also recommended.

Third, Mr. President, surplus funds are used to reduce, and I underscore reduce, the new authorizations necessary to fund committee requests. By using these surpluses that are saved by the committees that will exist as of the 28th day of February, the increases in new authorizations will be held down to 4.75 percent from 1990 to 1991, and ony 3.93 percent from 1991 to 1992.

Fourth, Mr. President, 2 days of hearings were devoted to committee budgets. Authorizing all funding requests is not recommended in this resolution.

Let me underscore that. Authorizing all funding requested by our committee chairmen is not recommended in this resolution. However, every request

made was carefully considered. The staff devoted many hours to the preparation of this budget, both the majority and the minority.

Let me say at this point, Mr. President, we have had good cooperation. We have worked very closely together. We have had some innovative ideas that have been developed by working closely with my good friend, the ranking member, Senator STEVENS, and his staff. Close liaison was maintained with the committee staffs to clarify guidelines in the budget policy.

Because of these efforts, the budget process has been smooth and harmonious. The adherence to the guidelines established was exemplary. I express my appreciation for the spirit of cooperation we have had. I express my appreciation to those staff members from every committee, who worked so diligently to bring to our committee a budget that was thoroughly thought out and was recommended by their committees. I hope that each committee chairman and ranking Member realize the dedication and the devotion of their staffs in the preparation of the biennial budget. I certainly do.

Fifth, Mr. President, the committee policy on use of surplus funds existing at the end of 1991–92 funding period is changed. Currrent policy is that committees will not have access to funds remaining at the end of the biennium but are permitted to carry over funds from the first year to the second year of the funding period.

The proposal adopted by the committee and stated in the report permits committees to retain 50 percent of their surplus existing at the end of the funding period to meet nonrecurring needs of the committee. Hopefully, it will do two things. One, it would encourage savings, frugality; and, second, the money they save and the money they are allowed will improve the committee system and improve its efficiency. The balance will be used to meet increases, if any, in committee budgets for the next biennial budget. Committees have been very frugal, Mr. President, and they are to be complimented in their spending. I believe this change will create a further incentive to limit spending and reduce the rate of growth.

My final point, Mr. President, is that for fiscal year 1991 the appreciation account is sufficient to cover the authorization requested in Senate Resolution 62. In addition, the appropriations remain available until expended. Thus, the recommendation to use surplus funds to reduce the new funding authorization is consistent with Section 317 of the fiscal year 1991 legislative branch appropriations bill.

Finally, Mr. President, the report on minority views places great emphasis on the carry-forward authority in Senate Resolution 62. I believe the provisions in Senate Resolution 62 on carry forward is sound fiscal policy. In 1989, the Senate authorized $3.2 million to be carried forward on an unrestricted basis. Senate Resolution 62 carries forward about $4 million but uses that money to reduce the amount of new funds necessary. So the total budget authorization last biennium was $106,682,187 and for this biennium it is only $113,942,379 that is recommended, an increase of $7 million or 6.8 percent. From a total budget authority standpoint, for the last biennium the Senate authorized $109 million plus, for this biennium, $117 million plus, an increase of $7 million plus or 6.76 percent.

I believe Senate Resolution 62 is fair and reasonable. I urge that the resolution be adopted. I yield to my good friend, the Senator from Alaska, who has been a delight to work with, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, I thank the chairman for his comments.

The important point for the Senate to realize is that this is a different funding concept for Senate committees. This resolution does differ from all previous resolutions in that it authorizes the use of surplus funds, or leftover funds from the prior fiscal year. But it requires the use of those funds to cover committees' recommended increases under specified conditions. We have set forth these conditions in our report.

The carryover of the new funding resolution applies to all unobligated funds, or unexpended funds as of February 28.

It authorizes a committee to use 50 percent of those carryover or surplus funds to cover committee funding needs in 1991 and the remaining 50 percent for the fiscal year 1992 to cover increases in the second year of the 2-year budget cycle. By using these surplus funds we will not need to have an increased authorization for 1991. These are actually savings from the accounts for fiscal year 1990. They go over into 1991 and 1992 for this 2-year budget cycle. We do not require, as I said, an increase in authorization to fund these approved requests. The total remains at the 1990 level plus a rate of inflation.

I anticipate that what this will do, as the chairman has said, will be to give an incentive to committees not to spend toward the end of a fiscal year realizing that the moneys will be available in the next 2-year cycle, and it should reduce the ever-increasing trend line as far as the committee expenditures of the Senate are concerned. We hope that we will be able to maintain the 1990 level. I know we will under this 2-year proposal under this resolution.

We had requests for nonrecurring authorizations to hire temporary staff. We have granted those in some instances, and mandated temporary positions in a few cases where permanent positions were requested, thus not increasing the baseline affecting increased needs of the Armed Services, Finance, Foreign Relations, and Labor Committees. They all have special circumstances. We did not grant entirely all of their requests, but we have recognized the need for new temporary employment for specific purposes for those four committees.

We have also not included the merit increases that were requested by certain committees. It has been determined by the Rules Committee that it is not our function to specify merit increases for particular staff members of individual committees. Committee chairmen will have to determine whether or not the merit increases they sought are deserved by their staffs, and if they are deserved, they will have to find a way to accommodate them under the level of funding they have had in the past.

I want to emphasize that we have not agreed to every request that came before our committee. With one exception, the requests presented to our committee were agreed to by the chairmen and the ranking member of the separate committees. There was one exception to that, and we will hear about that here on the floor of the Senate.

We have held the increases to approximately 50 percent of the total that were requested, and when we consider these are requests that have come from other members of the body who have the right to vote on the floor, I expect that we will have some disagreement with the final judgments of our committees. But since we have used surplus funds from the last fiscal year, we have been able to carry forward, as I said, with a 4.5-percent increase, which is basically the rate of increase for salaries in the Senate.

Mr. President, I commend the report and the resolution that is before us. There are a couple of amendments which I might state I have not really made up my mind on. I would like Members to explain their amendments before I make any recommendation to those who might accept my recommendation. But there are some late amendments that have been presented and will be offered here on the floor.

I urge Senators to listen to the presentation of these because they are in some instances very novel ideas concerning the handling of funding resolutions that come before the Senate.

I thank the Chair.

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

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

Mr. FORD. Mr. President, Senator STEVENS and I are ready to move forward. I see the distinguished Senator here, Senator SMITH. If he is willing to bring his amendment, or if he is prepared to move forward, we are prepared to enter into a time agreement.

If the Senator wants to move forward with his amendment, we have three amendments all from that side. I am more than pleased to attempt to move this along expeditiously.

Mr. SMITH. Mr. President, I do not have any objection to the time limitation other than the fact that other Senators indicated they might be willing to speak on this. I need no more than 10 minutes. How much time does the Chairman ask for?

Mr. STEVENS. Mr. President, my understanding is we have not agreed to a time limitation as yet.

Mr. FORD. No, we have not. I talked with the Senator about a time agreement. If he is willing to accept 30 minutes equally divided—does the distinguished Senator want more than 15 minutes?

Mr. SMITH. I personally do not need more than 15 minutes. But I do not know if there are any other speakers. Some have indicated they wanted to speak.

Mr. FORD. Will the Senator take 20 and have 10 for us, and get a time agreement on that basis?

Mr. SMITH. I see Senator COCHRAN is here. That is acceptable to me, unless someone else objects. Senator COCHRAN, I know, has indicated he wished to speak on this as well.

Mr. COCHRAN. Mr. President, if the Senator will yield to me, I want to express my support for his amendment. I intend to vote for and encourage the Senate to approve it. I will not need a lot of time to do that; 2 or 3 minutes would be quite sufficient for me.

Mr. FORD. Mr. President, I ask unanimous consent that there be a time agreement on the Smith amendment of 30 minutes; that Senator SMITH have 20 minutes and the floor managers have 10 minutes; I further ask unanimous consent that there be no amendments in the second degree.

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

The Chair recognizes the Senator from New Hampshire [Mr. SMITH].

Mr. SMITH. I thank the Chair.

AMENDMENT NO. 15

(Purpose: To express the sense of the Senate that Senate committees should provide information to facilitate the equitable distribution of Federal funds between the States)

Mr. SMITH. Mr. President, on behalf of myself and Senator COATS of Indiana; the Senator from Iowa [Mr. GRASSLEY]; the Senator from North Carolina [Mr. HELMS]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Delaware [Mr. ROTH], I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for himself and Mr. COATS, Mr. GRASSLEY, Mr. HELMS, Mr. COCHRAN, and Mr. ROTH, proposes an amendment numbered 15.

Mr. SMITH. 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, add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of federal funds among states is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various states; and

(3) that a state-by-state breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in the performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each committee reporting legislation making an authorization or reauthorization of a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each state under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each state under such program. It is further the sense of the Senate that the Congressional Budget Office shall request and evaluate an enumeration from each department or agency administering or proposed to administer any such program and that, whenever practicable, such evaluation of an enumeration shall be included in the report accompanying such legislation.

Mr. SMITH. Mr. President, the purpose of my amendment is really quite simple. It would express the sense of the Senate that the authorizing committees should, when practical, provide a State-by-State breakdown of the disposition of the funds proposed to be authorized.

This breakdown would allow each Senator to more adequately assess whether each new or continuing program provides his State with a level of Federal funding commensurate with its population. That information currently exists in bits and pieces.

The Bureau of the Census has figures for large categories of programs such as school improvement programs, but this data is frequently not specific enough to tell us whether a particular authorization distributes funds equitably or not.

Similarly, the Congressional Budget Office has fairly extensive figures on some programs, though it has virtually none on others. We have been told that the Senate computer center, for example, has the capacity to provide us this information but this does not seem to be utilized very often.

To this point no systemized effort has been made to assure that this data is available on a regular basis. This is all that this amendment would do. It is nonbinding. It would ask the committees to systemize the provision of the State-by-State information to the Senator so that we can make informed judgments on the programs that we are called upon to fund.

Currently, although a lot of information exists, Senators are normally unaware of it. The net result of this fact is, for example, in New Hampshire. New Hampshire receives only 0.33 percent of all Federal prime contracts despite the fact it has 0.45 percent of the U.S. population.

In other words, my State receives 75 percent of the contracts which its population would suggest it is supposed to receive. Neighboring Massachusetts, with 2.37 percent of the population, receives 2.62 percent of the prime contracts.

My staff has prepared an analysis on the basis of 1988 Federal spending and 1990 census figures. New Hampshire ranks 42d out of 50 States in terms of per capita spending. Other analysis places New Hampshire as 49th. Either way my State ranks toward the bottom in terms of Federal per capita spending. On a per capita basis this also means New Hampshire receives less than half of the money received by first ranking States.

Let us look at it in a broader context. In fiscal 1988, the first and second ranking States it terms of per capita Federal expenditures, received $5,700, roughly, and about $5,700 per person respectively. The two lowest ranking States, Indiana and Michigan, received only $2,661 and $2,500 per person respectively.

This means that Indiana and Michigan received less than half the per person Federal expenditures received by their more favored neighbors. Kentucky, the home State of the distinguished chairman, was 40th in the Nation, receiving only $2,800 per person, or almost exactly half what was received by the most favored State.

Let me look at it another way. The 10 least favored States—Oregon, New Hampshire, Nevada, Georgia, Illinois, Vermont, Wisconsin, North Carolina, Indiana, and Michigan—comprised 20 percent of the population in 1989, but these 10 States received only 7.95 percent of all Federal prime contracts.

In the case of many agencies these States did even worse with respect to prime contracts let in 1989 by the Department of Housing and Urban Development. The 10 least favored States received 1.13 percent of all prime contracts, less than 10 percent of the

amount, of which their 25 percent of the population would suggest.

Again, Kentucky, Mr. President, with 1.51 percent of the population, received only 0.74 percent of all Federal contracts.

Mr. President, it seems to me that in the interest of fairness every effort should be made to ensure that small States receive the consideration from the Federal Government that their populations would suggest they receive.

It is not an issue of seeking more Federal dollars, it is an issue of distributing these dollars equitably. Small States have a right to be legitimately concerned about a process which regularly takes tax dollars from our State and returns only a fraction of those dollars.

My amendment simply makes raw data available. It would be up to each Senator to decide how that data is to be used. For example, it may be that Senators will look at the funding disparities within a particular program and decide that those disparities are justified. If a program proposes to address a problem which is greater in one State than another, if a program centers around contracts with particular universities or manufacturers, if a program channels different amounts into different States, all of these factors could very well justify State-by-State disparity.

This is no reason why the Senate should be ignorant of the information with respect to the existence of these disparities. I hope nobody will argue that the Senate should not have access to this information.

Let me briefly address—and I would be happy to yield to Mr. COCHRAN in just a couple of minutes—some of the questions my office has fielded in response to this.

The first question: Is this information already available? In some cases, it is, in many cases it is not. My amendment would remedy this problem by regularizing the process by providing State-by-State information when it is fairly easy to do it. I do not see how anybody can object to that.

The second question is whether the information would be difficult or impossible to obtain. It is not impossible to obtain. Even under current circumstances there are vast amounts of information available. I have requested it, nobody has objected to my request, and it is beginning to come in.

In addition, 10 Senators have joined me in asking 18 agencies with programs slated to be reauthorized in the 102d Congress to provide a State-by-State breakdown. Thus far, nobody has come back and said they could not do that. We have not heard from all 18 agencies. In fact, one of the purposes of this amendment is to provide additional impetus for agencies to voluntarily provide the State-by-State information.

But the fact is that the amendment provides an escape valve. If it is not practical to provide the information, it does not have to be provided. I believe the amendment will move us in the direction of having more information when we make our funding decisions, but it will not put committees in a hammer lock when such information cannot practically be provided.

Finally, the third question we have received is: Is there going to be a lot more useless paperwork, and will it cost more money? That is penny-wise and pound-foolish, Mr. President. The fact is that by providing the information about programs with direct Federal funds into a few large States at the expense of many other States, it may be possible to substantially reduce Federal expenditures and Government paperwork.

Mr. President, it is time that we have this information available. It is a very simple request. I think it is a reasonable one, and I will, therefore, at the appropriate time, urge the adoption of this amendment.

At this time I yield——

Mr. STEVENS. Mr. President, before the Senator yields on our time, may I ask the Senator a question?

Mr. President, coming from Alaska, as I do, I am interested in this proposal, but I am also quite interested in trying to keep down the demands on the Senate to increase the Congressional Budget Office staff, and also not to get us in a position where we cannot file our reports because the executive agencies have not provided the information that would be necessary to comply with the Senator's request. This proposal has great merit as far as I am concerned, but as I understand the sense-of-the-Senate amendment, it would not be binding at this time, would it?

Mr. SMITH. It would not be.

Mr. STEVENS. What it would do really is call on the Congressional Budget Office to attempt to make the request and evaluate the enumeration that comes in from the departments and agencies that administer the programs to authorize or reauthorize; is that correct?

Mr. SMITH. Yes.

Mr. STEVENS. Would the Senator consider having some approach that would give us some determination on what that would cost and whether or not it would be possible to have an action by the Senate requiring that these agencies submit these statistics before we start consideration? In other words, suggest that any request for authorization or reauthorization from the executive branch must include this information, rather than putting the burden on the Senate to have an increase in the Congressional Budget Office, an increase in the staff of the Senate, in order to obtain that information from the executive agencies?

Mr. SMITH. Well, I understand what the Senator is saying. I believe, if the Senator will yield, that if we can get the information from the agency, certainly, I would see no reason for, nor do I want to have increased staffing at the Senate to provide this information.

I think the infomation is available. It may be more readily available than we think; it is just not being requested. Again, I am not making it binding; it is not a binding amendment, and if for some reason it becomes not cost efficient or unreasonable to get information, I realize that could be the case from time to time. I understand that.

Mr. STEVENS. Mr. President, I will not prolong this now, but——

Mr. SMITH. I might also indicate to the Senator from Alaska that in trying to work out the language with the Senator's staff, the CBO language was at the suggestion of Senator STEVENS' people.

Mr. STEVENS. I understand that. That is why I am asking the question. The problem is increased funding for CBO right now. I do not think we are prepared to do that. I want to work with the Senator to see if we can get something that we can approve.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. How much time do I have, Mr. President?

The PRESIDING OFFICER. Twelve minutes, thirty seconds.

Mr. SMITH. I yield to Senator COCHRAN whatever time he may consume.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from New Hampshire. I rise to compliment him on bringing this issue to the attention of the Senate at this time. We are here as Senators representing the interests of the States. That is why the Senate was created as an institution; to ensure that the States be represented here. So it seems to me very appropriate that we call attention to the fact that it is important for us to know the impact of legislation on the States before we vote on it.

That is what this amendment seeks to accomplish. It would make available, whenever practicable, information about the amount of money that would be distributed among the States, and how it would be distributed, under programs that were about to be authorized or reauthorized by the standing committees.

I can tell you from my experience serving on the Labor and Human Resources Committee, when you are dealing with education programs under which funds are allocated to the States, it is very important for you to know how those funds are going to be distributed.

We have been trying to write into recent bills, for example, an emphasis on assisting those States where the needs

are the greatest. And we need the statistics on unemployment and on per capita income, to try to help ensure that the targeting of scarce Federal dollars is done in a thoughtful and careful way, with full information available to us, as we legislate.

So I think this amendment addresses that issue, and brings to the attention of the Senate the importance of having this information available to Senators during the legislative process. I compliment the distinguished Senator, and I am glad to be a cosponsor of the amendment. I urge the Senate to approve it.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I understand what the distinguished Senator is attempting to do. We have a real fear that we will never be able to require this information if this were statutory. We will be looking at all the agencies and right now if one of the members of the executive branch comes before a committee to testify and they are supposed to have their statement in 24 hours in advance sometimes we never get the statement from these executive agencies until after they testify.

And so to require all of this, it would be my judgment that the committee would not be able to comply with the standing rule XXVI, paragraph 10(b). Information on this amendment could not be obtained promptly from executive agencies and adoption of this amendment will result and confusion and misunderstanding.

I think we need to sit down and maybe work on this language some. The sense of the Senate does not have any power behind it. So, therefore, all the chairmen are going to be required on this and because it is going to be so cumbersome they are not going to do it, so we ought to find some way where we can have GAO or CBO or somebody begin to see what can be translated into what the Senator is interested in.

I do not think we have any problem with his intent. But the increase in cost is something and the confusion and maybe the rules will have to be changed because rule XXVI, paragraph 10(b) under our rules in all probability we could never comply with. So the rules would have to be changed.

Mr. STEVENS. Mr. President, will the Senator yield for a comment?

Mr. FORD. Yes.

Mr. STEVENS. Mr. President, I urge the Senator to recognize we are trying to find a way to accomplish the objective he seeks in his resolution. I think every Member of the Senate would like to see that kind of information, but without a process that would either increase the cost to the Senate to obtain that information or delay the presentation of reports once they are completed by Senate committtees.

So when the time is over I am going to ask that the amendment be set aside, and we can get our staffs together and see if we cannot get an agreement on how we can set up a procedure as soon as possible to devise a means to get the information the Senator wants, but without the impact that we fear.

I thank the Senator.

Mr. FORD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, it is my understanding that another Senator is en route to speak to this amendment, so I will try to hold the time until he gets here. I understand what the chairman has said and what Senator STEVENS has said. I do not object to us trying to do that. I think that would certainly be preferable to me if we could do it and reach some accommodation without having to hire more staff and spend more money. That is not what I want. So I am more than happy to try to work with the Senator to do that, and I am willing to do that.

At this point, Mr. President, I do not have any more other than to say that there is one Senator who is en route, so I guess at this point I would have to suggest the absence of a quorum and hold my time until Senator COATS of Indiana arrives.

Mr. FORD. The Senator understands that that will be charged against his time.

Mr. STEVENS. He is asking that it not be charged.

Mr. FORD. Not be charged, OK, that is fine.

The PRESIDING OFFICER. Without objection, the time will not be charged against either side if that is the request of the Senator.

Mr. STEVENS. There is no objection if it is a reasonable period of time.

Mr. SMITH. My understanding is the Senator is en route.

The PRESIDING OFFICER. Is the Senator in the process of suggesting the absence of a quorum?

Mr. SMITH. Yes.

The PRESIDING OFFICER. The absence of a quorum has been suggested and the time will not be charged to either side. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SMITH. Mr. President, I, at this time, yield whatever time he may consume out of my remaining time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized for up to 9 minutes and 17 seconds.

Mr. COATS. Mr. President, I thank the Senator from New Hampshire for yielding. I also thank him for his efforts here in bringing before the Senate this sense-of-the-Senate resolution which I think will allow us information necessary to make good judgments as to how we spend the taxpayers' dollars.

Often we are asked to vote for huge authorizations without realizing exactly what the formula distribution would do for distribution of those funds to our States. It is important for us in examining legislation before us that impacts our particular States to know, to the extent that we can, just what the impact will be and the amount of funds that will be distributed.

While this sense-of-the-Senate resolution is not obviously the ultimate solution, it is a very important first step in encouraging equity in terms of distribution of the taxpayers' dollars back to the States.

Let me just give you an example of a situation we face in Indiana. Indiana is the 14th largest State in the Nation. We have 2.2 percent of the U.S. population—more than 5.5 million people reside there. Yet, year after year we find ourselves at the bottom on the list in terms of distribution of Federal funds, and in fiscal year 1989, as an example, in per capita terms, Indiana ranked 49th, 14th largest State ranking 49th in overall receipt of Federal expenditures.

Our total receipts totaled $15.9 billion. Had we received our proportionate share, that would have been nearly $4.6 billion more, or a total of $20.5 billion; money very much needed and which could be used very efficiently and effectively in our State.

We were 36th in direct payments to individuals. We were 43d in grants in aid, 41st in Federal procurement, and 45th in salaries to Federal employees.

On a specific program, the highway trust fund, we ranked 44th in per capita receipt of funds.

We received only 1.8 percent of total funds distributed to the highway trust fund, yet we contribute on the basis of 2.2 percent of the population.

In the urban mass transit distribution of funds, we ranked 30th, receiving only 0.7 percent of the total funds distributed.

The Federal Highway Program, which was created in 1921, was based largely on the amount of rural delivery in inner city mail routes for each State. Obviously that is no longer the measure that ought to be used, and I am hopeful and anticipate we will correct that in the reauthorization of the Federal Highway Program in this Congress.

Many of these antiquated formulas have gone unchanged. They are not the best distribution systems. They are not equitable. But they have survived over the years for various reasons, partly because those States that obviously

get more than their fair share speak up in the spirit of defense of maintaining the formula as is.

So I think the sense-of-the-Senate resolution of our colleague from New Hampshire is very appropriate. I hope my colleagues will support it.

Certainly, as one Senator from one State that is not getting its fair share, or anywhere close to its fair share, we intend to fight very, very hard to see a more equitable distribution of those funds. We are not asking for more than our share. We are simply asking for equity.

I thank the Senator from New Hampshire for his sense-of-the-Senate resolution and hope my colleagues will support it and yield back what remaining time I have.

Mr. GRASSLEY. Mr. President, Arthur Hays Sulzberger, legendary publisher of the New York Times stated once:

> A man's judgment cannot be better than the information on which he has based it.

This is what the Smith amendment to Senate Resolution 62, the committee funding resolution would do. It would provide information to the Senate so that individual Members can make a judgment based on the best facts available.

We need to know what impact legislation will have on our States. Too often the Senate has been called upon to make a decision on important policy matters without sufficient information about the fiscal impact on our respective States. The information provided is essential in order for us to make sound determinations.

This is a basic piece of data. How can we vote for or against legislation without consideration to the fiscal impact? It seems like such a simple, obvious item, but it is an item that is not fully considered in today's present environment.

The equitable distribution of Federal funds among States is an important public policy consideration. As an example, one aspect of Federal funds which are distributed unfairly is Federal procurement contracts.

According to a report from the Northeast-Midwest Institute, Federal tax and spending policies in recent years have caused a massive flow of tax dollars from this region to faster growing southern and western regions of the country. The institute has compiled data showing that States in those regions of the United States have not garnered a representative share of Federal prime contract dollars.

Unfortunately, the State of Iowa reflects the same shortfall as the region as a whole. A comparison of the State per capita value with the national value shows that Iowa receives a per capita amount of $209. Compared with a national average of $626. Therefore, instead of receiving 0.96 percent of the Federal contract budget which would be comparable to our tax burden, Iowa receives 0.37 percent of the $155 billion of Federal contract dollars.

Is this fair? Is this equitable? Is this just?

Obviously it is not, Mr. President, and this amendment would help to address this disparity by giving us the tools to deal effectively and knowledgeably with this question.

I appreciate the leadership of the Senator from New Hampshire in presenting this amendment today and I am proud to be an original cosponsor.

Mr. FORD. Mr. President, the distinguished Senator from New Hampshire and I have talked. I think he is in agreement, as the ranking member and I are in agreement, that we will yield back our time and then ask unanimous consent to set this amendment aside while our staffs begin to work out something that would be acceptable to all of us.

We both agree, I believe, that we want to accomplish the end result. But the cost of getting there and the responsibility of those reporting in a timely manner began to bother some of us a little bit in this colloquy we have been having here on the floor.

So, on that basis, I would be willing to yield to the distinguished Senator and he can yield back his time and we would yield back ours and I will make that unanimous-consent request.

Mr. SMITH. I thank the chairman. That is acceptable to me. I at this point yield back my time.

The PRESIDING OFFICER. The time of the proponents is yielded back.

Mr. FORD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. FORD. Mr. President, I ask unanimous consent that the amendment by the distinguished Senator from New Hampshire [Mr. SMITH] be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment No. 15 proposed by the Senator from New Hampshire is set aside temporarily.

Does any Senator seek recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Mr. President, so I can get things in order, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 16

(Purpose: To strike the proposed increase in staff funding requested by the Foreign Relations Committee)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 16.

Mr. HELMS. 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 reads as follows:

(a) On page 16, line 15 strike "$2,774,561" and insert in lieu thereof, "$2,429,561."

(b) On page 16, line 25, strike "2,891,437" and insert in lieu thereof, "$2,533,437."

Mr. HELMS. Mr. President, I do not wish to offend any Senator, but I am going to state what I believe to be a fact as a premise for this amendment.

There is not a Senator in this body, nor has there ever been a Senator running for office or a candidate running for office, who did not go around his or her State saying, "Federal spending has to be cut. This deficit is outrageous. This $3.4 trillion Federal debt is a disgrace. And if I am reelected, I am going to see to it that this spending is cut."

Then what do they do? They come back up here and vote for more spending. I exclude myself and some other Senators from that.

The record is clear about every Senator in this Chamber about his or her position on Federal spending, his or her willingness to tighten the belt.

That is the premise. Now let us get down to the brass tacks.

Mr. President, the committee funding resolution, Senate Resolution 62, now before the Senate, provides for increased real spending by the Foreign Relations Committee, of which I am the ranking member, increased real spending by that committee for additional staff by 36 percent for 1991 and 41 percent for 1992 over the committee's actual spending history in the 1988–90 period.

Square that, Mr. President, with all this campaign rhetoric that we hear every time a Senator or candidate for the Senate makes a speech. The interest on the national debt run up by this Congress will cost the taxpayers $250 billion, approximately, this year, if not more.

It was 20 or 25 years ago, when a distinguished President of the United States named Lyndon Baines Johnson was climbing that wall when he suddenly realized one day that he was going to be the presiding President when the total budget of the Federal Government exceeded $100 billion.

The amendment which the distinguished clerk has just read, offered by the Senator from North Carolina, strikes this proposed increase in spending for the Foreign Relations Committee for 1991 and 1992, to the extent that such spending exceeds the original Rules Committee guidelines. That is it.

Good Lord, Mr. President, America is just finishing a war. This Nation is deeply in debt, as I said earlier. We are in the midst of a recession. Congress has just raised taxes. Why? Was it so that the Foreign Relations Committee could increase its spending for staff by 36 to 41 percent? I do not think the American people would countenance that, even if it is "only" an amount of about $800,000; $800,000, down my way, is a nice piece of change.

If we are not good stewards at little things, we are not going to be good stewards in anything else, and that is what I want to impress upon this Senate.

Our colleague, the distinguished majority leader, GEORGE MITCHELL, had it exactly right in his televised response to the President's recent State of the Union Address. Let me tell my colleagues what GEORGE MITCHELL said, and he was everlastingly correct:

"We all—" he did not say "We all, except the Foreign Relations Committee—"

"We all have to do more with less."

He went on to say:

"Your families have to. Government must do the same, to be more careful with your tax dollars."

Hurrah for GEORGE MITCHELL. I am tempted to say he pinned the tail on the donkey, but that would be a little harsh. He pinned it on the Republicans, too. So this is put-up or shut-up time. A little thing, maybe: "Oh, it's just $800,000, Senator HELMS." From where I come, that is a pile of money. We ought to heed the majority leader; he was right.

Yet, despite the wise admonition of the majority leader, the Rules Committee resolution has approved an increase in spending by the Foreign Relations Committee by about $703,000 over 2 years; $468,000 for the majority staff, meaning the Democrats, and exactly half of that, $234,000 for the minority staff, that is to say, the Republicans.

I do not think it ought to be increased for either side. This spending is to be financed how? By sleight of hand; sort of double bookkeeping. I will probably lose this little contest, but what they are going to do is carry over the surplus in funds from previous budget authority.

One of the Senators came up and said, "We are just going to let them use surplus funds." But I said, "Senator, will you be spending more money?" He said, "Yes." Diogenes can put out his lantern; at least he was honest about that.

I am a member of the Rules Committee, and I voted against this proposition by myself. That does not make me a hero. It just makes me consistent. The Rules Committee has called this nonrecurring funding for so-called temporary positions.

Let me tell you something, Mr. President: When it comes to the Federal Government, there is nothing so near eternal life as a temporary tax or a temporary position. We all know what the word "temporary" means around this place, do we not? It means let us spend more and more and more, just like Tennyson's brook.

This amendment would do just one thing. It would simply delete the so-called temporary funding for 1990, a "modest little sum" of $345,000; as well as the so-called temporary funding for 1991, another "modest little sum" of $358,000. It is to be noted that the committee recommended a higher temporary funding for 1991 because it added in the 4-percent COLA.

Senators may be interested in a chart that I have right beside me. This cannot be printed in the RECORD, but it is in the committee report. My colleagues may want to take a look at it.

This chart illustrates just how dramatically spending on the Foreign Relations Committee has increased over the past few years, and how much more it will increase if my amendment is defeated. Look at it Mr. President: Up she goes, from here to here, since 1981. If Senators wish to see that, as I say, the chart is in the committee report.

I am using the word "spending" instead of "funding." Let it be clear: Spending is what we are talking about; Federal spending is what we are talking about; spending the taxpayers' money is what we are talking about. We are not talking about some elusive, illusory little word like "funding."

I will tell Senators what they are going to hear from the other side. They are going to say "this is only a 1.97-percent increase, and the 1.97-percent increase is the only increase requiring "new money." The 36-percent increase in spending is funded from a carryover of old money."

Mr. President, new or old, it is not our money to spend, if we meant what we said when we campaigned. It is not new money; it is not old money: It is the taxpayers' money. So I very much doubt that the taxpayers are going to make any big distinction between new money and old money. A dollar is a dollar, whether it just came off the press, or whether it has been carried around for a while. The American taxpayers are exactly right. It is their money.

So I used a round figure of $800,000 a while ago. The precise figure is $703,000 that we have an opportunity to save. It is not much in terms of the enormous Federal budget with zeros running from here to here. Maybe that is an insignificant amount, as I said a while ago, to those who travel in the big spending circles in Washington, DC, and go to all of the parties and ride around with chauffeurs and that sort of thing. But it is a lot of money to that struggling taxpayer, that struggling small businessman in Beulaville, NC, or Tryon, NC, or Apex, NC, and all across this country.

That is why, when this committee funding resolution was voted out, I said that I intended to offer an amendment to save this money for the taxpayers, and here I am. There is nothing noble about it. I think it is what we all ought to do, and this amendment ought to pass unanimously if we meant what we said in our campaign rhetoric.

I say again that the $703,800 in and of itself is not going to make a big difference in the dificit, but suppose we had 1,000 instances where you saved that amount of money? It would be a small dent; we would be on our way. At least we would be intellectually honest.

The real question, Mr. President, and I mean this with my heart and soul, is what kind of message are we sending to the taxpayers back home? Should the Senate make increasing its own staff one of its first acts following passage last year of that major tax increase which purportedly was intended to reduce the deficit? Which, by the way, I said it would not do. Others seated here today said it would not reduce the deficit, and it sure as heck has not done it.

We ought not to increase spending on staff. If we do, if Senators vote against this amendment, and I guess they will, it will be all the more difficult for us to say no to all the lobbyists and the agencies and the Government departments who approach us seeking increases in funds for their little red wagons. If we are not faithful in little things, we are not going to be faithful in big things.

More importantly than that, we will further diminish any remaining faith the American people have in the ability of this institution, the U.S. Senate, the Congress of the United States, to undertake the kind of spending cuts necessary to put America's financial house in order.

Mr. President, what is so appalling about the proposed increase in funding for the Foreign Relations Committee is that the committee does not need to increase its spending. The Foreign Relations Committee has a reputation for high productivity on its present reasonable funding. As a matter of fact, we could get along with less than we have been spending, not more.

I have another chart here. I put it up here to illustrate the facts. What we see here is the workload productivity for Senate committees, published by our own Rules Committee. I am a member of the Rules Committee as well as the Foreign Relations Commit-

tee. Parenthetically, elatedly I say I shortly will no longer be a member of the Ethics Committee.

The report of the Rules Committee accompanying the committee funding resolution for the 101st Congress showed that the Foreign Relations Committee had ranked 10th in the size of the budget. We see that, but it ranks near the top in terms of all measures of productivity. It is pretty interesting in the light of all of this outcry about we have to have more money.

Senators wanting this increase cited this same evidence of committee productivity but argued, in effect, that we should be rewarded with more money for turning out so much work on a lean budget. That does not even make good nonsense, let alone good sense.

It is the other way around, Mr. President. We had demonstrated that we do not need more money to do a good, productive job. Up to now, we have kept faith with the taxpayers, and I have stood with CLAIBORNE PELL in resisting increases in the committee's spending year after year. But the chairman had some pressure put on him by Members on his side of the aisle, so here we are. We are on opposite sides, but I say to my distinguished chairman, Senator PELL, who is the ultimate gentleman, that we should not betray the taxpayers now.

In further defense of this proposed spending increase, the majority on the Senate Foreign Relations Committee has declared that there will be an increased workload this year. Perhaps, but on the basis of the evidence put forward to support this assertion, the workload will, in fact, decrease when compared with previous years. I know a little bit about what to anticipate in workloads. I have been on the committee quite a while. That is the reason I am the ranking member; I have been around a little bit longer than anybody else on my side.

Mr. President, I ask unanimous consent that the list of legislative activity put forward by the majority to justify the spending increase with status comments by the minority be printed in the RECORD.

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

LEGISLATIVE ACTIVITY IN 1991

(As Projected by the SFRC Majority on January 19 with Status Comments by the Minority)

Summary: One re-enactment already scheduled for Floor action; one omnibus bill combining normal committee mandate on foreign relations and foreign aid; one IMF quota increase; one possible South African sanctions bill; SEED II, as reported in 1990; possible UN peacekeeping for Gulf. Comment: Five bills projected, of which only two will require major work.

LEGISLATION

Chemical and Biological Weapons Control Act

Status: Re-enactment identical to last year's bill; may be on Senate Floor today.

Foreign Relations Authorization Act (State/USIA/BIB/Foreign Aid)

Status: Normal Committee Mandate every two years.

IMF Quota increase

Status: Regular quota increase once or twice every 10 years.

Possible legislation on South Africa sanctions

Status: Indefinite; Reduction or repeal of 1985 Act; dependent upon agenda of South African government.

Seed II

Status: Multiple hearings held in 1990; new mark-up required once a consensus is established.

Legislation relating to post-war situation in Persian Gulf (e.g. authorize emergency funding for U.N. peacekeeping)

Status: Indefinite; minor issue.

TREATIES

Summary: Four major treaties on indefinite hold; one already reported; one incomplete; four minor U.N. human rights treaties. Comment: Ten treaties, of which only four minor treaties available for work in the foreseeable future.

Start Treaty

Status: On indefinite hold.

Conventional Forces in Europe Treaty

Status: On indefinite hold.

U.N. Chemical Weapons Treaty

Status: On indefinite hold.

U.S.-Soviet Maritime Boundary Treaty

Status: On indefinite hold until status of Baltics clarified.

Montreal Protocols on airline disaster compensation

Status: Reported January 29, 1991.

U.S.-Philippine Base Agreement

Status: Not completed.

Four U.N. human rights treaties

Status: Will require hearings on each.

Mr. HELMS. Mr. President, Senators should compare the list of projected workload provided in justification of the proposed spending increase with the record of workload handled by the committee under current spending levels during the previous two Congresses.

Mr. President, I ask unanimous consent that these lists be printed in the Record at this point to be followed by the Rules Committee chart rating committee performance, which I mentioned earlier.

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

TREATIES AND BILLS REPORTED, SENATE FOREIGN RELATIONS COMMITTEE

100TH CONGRESS, 1987 AND 1988

Total No. of Treaties Reported: 29.

Ex. N, 94-2, w/USSR on Nuclear Weapons Testing 2/27/87.

Treaty Doc. 99-7, Amend. Int'l Atomic Energy Agency 7/28/88.

Treaty Doc. 99-15, w/Senegal on investments 10/4/88.

Treaty Doc. 99-17, w/Zaire on investments 10/4/88.

Treaty Doc. 99-18, w/Morocco on investments 10/4/88.

Treaty Doc. 99-19, w/Turkey on investments 10/4/88.

Treaty Doc. 99-20, Conv. on Int'l Labor Standards 12/17/87.

Treaty Doc. 99-21, Conv. on Standards on Merchant Ships 12/17/87.

Treaty Doc. 99-22, w/Cameroon on investments 10/4/88.

Treaty Doc. 99-23, w/Bangladesh on investments 10/4/88.

Treaty Doc. 99-24, w/Egypt on investments 10/4/88.

Treaty Doc. 99-24, w/Grenada on investments 10/4/88.

Treaty Doc. 99-27, Berne Conv. Preserving Art & Lit. 7/14/88.

Treaty Doc. 99-30, Conv. w/U.K. on taxes (Bermuda) 9/22/88.

Treaty Doc. 100-1, Int'l Wheat Agreement 10/30/87.

Treaty Doc. 100-3, To prevent pollution from ships 10/14/87.

Treaty Doc. 100-4, (2) Conv. Nuclear Accidents & Asst. 7/28/88.

Treaty Doc. 100-5, Fisheries with Pacific Islands 10/22/87.

Treaty Doc. 100-8, MLAT w/U.K. Cayman 9/30/88.

Treaty Doc. 100-9, Int'l Rubber Agreement 8/3/88.

Treaty Doc. 100-10, Montreal Proto. on ozone 2/19/88.

Treaty Doc. 100-11, INF Treaty w/USSR 4/14/88.

Treaty Doc. 100-13, MLAT w/Mexico 9/30/88.

Treaty Doc. 100-14, MLAT w/Canada 9/30/88.

Treaty Doc. 100-15, Sup. Proto. w/Belgium on taxes 9/22/88.

Treaty Doc. 100-16, MLAT w/Belgium 9/30/88.

Treaty Doc. 100-17, MLAT w/Bahamas 9/30/88.

Treaty Doc. 100-18, MLAT w/Thailand 9/30/88.

Treaty Doc. 100-21, Proto. to Conv. w/France on taxes 9/22/88.

Total No. Bills Reported: 14.

S. 184, Economic Asst. To Central America 3/6/87.

S. 1268, Amend Foreign Agents Registration Act 7/13/88.

S. 1274, Amend For. Asst. Act & Arms Export Act 5/22/87.

S. 1327, Prevent U.S. involvement in Persian Gulf 7/7/87.

S. 1343, to comply with War Powers Resolution 7/10/87.

S. 1394, Auth. Approp. for State Dept., USIA 6/18/87.

S. 1406, Amend Foreign Asst. Act to create MDB & MIGA 6/23/87.

S. 1498, Amend Arms Control Disarmament Act 7/15/87.

S. 1614, Restrict U.S. assistance to Panama 12/15/87.

S. 2204, Implement Inter-America Conv. on Arbitration 9/27/88.

S. 2304, Extend Commission on the Ukrainian Famine 5/18/88.

S. 2365, Release USIA film related to Marshall Plan 6/21/88.

S. 2756, Antiapartheid Act of 1988 9/23/88.

S. 2757, Amend Foreign Asst. Act & OPIC 9/7/88.

Nominations: 188 reported in 1987 & 1988.

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Total No. of Treaties Reported: 24.

Ex B 95-1, Montreal Protocols int'l carriage by air, 6/28/90.

Treaty Doc. 99-13, W/Tunisia on taxes, 6/28/90.

Treaty Doc. 99-14, W/Panama on investments, 10/9/90.

Treaty Doc. 100-8, MLAT w/U.K. Cayman 7/31/89.

Treaty Doc. 100-13, MLAT w/Mexico 7/31/89.

Treaty Doc. 100-14, MLAT w/Canada 7/31/89.

Treaty Doc. 100-16, MLAT w/Belgium 7/31/89.

Treaty Doc. 100-17, MLAT w/Bahamas 7/31/89.

Treaty Doc. 100-18, MLAT w/Thailand 7/31/89.

Treaty Doc. 100-19, Montreal Proto.-airport violence, 11/19/89.

Treaty Doc. 100-20, Torture Conv. 8/30/90.

Treaty Doc. 100-22, W/Indonesia on taxes, 7/27/90.

Treaty Doc. 101-1, Maritime Navigation Conv. 11/19/89.

Treaty Doc. 101-2, Conv. on Labor Statistics 11/14/89.

Treaty Doc. 101-4, U.N. Conv. on Narcotic Drugs 11/14/89.

Treaty Doc. 101-5, W/India on taxes 7/27/90.

Treaty Doc. 101-6, Conv. w/OECD on tax matters 7/27/90.

Treaty Doc. 101-9, Supplementary to Tunisian tax matters 7/27/90.

Treaty Doc. 101-10, W/Germany on taxes 7/27/90.

Treaty Doc. 101-11, W/Finland on taxes 7/27/90.

Treaty Doc. 101-16, W/Spain on taxes 7/27/90.

Treaty Doc. 101-18, W/Poland on business 10/9/90.

Treaty Doc. 101-19, Nuclear Test Ban w/USSR 9/14/90.

Treaty Doc. 101-20, Final Settlement on Germany 10/5/90.

Total No. of Bills Reported: 16.

S. 195, Chemical/Biological Weapons Act 10/17/89.

S. 347, Int'l Terrorism 10/26/89.

S. 760, Bipartisan Accord of Central America 4/12/89.

S. 1160, Auth. Approp. for Dept. State & USIA 6/12/89.

S. 1324, Auth. Approp. for Intelligence Activities 10/26/89.

S. 1347, Amend. Foreign Assistance Act 7/18/89.

S. 1582, For. Asst. to Poland and Hungary (H.R. 3402) 9/20/89.

S. 1868, Amend. Arms Control & Disarmament Act 11/9/89.

S. 1941, Implement Conv. on Int'l Commercial Arbitration 6/6/90.

S. 2017, Eisenhower Exchange Fellowship 6/28/90.

S. 2073, Auth. Assistance to Panama and East Europe 2/6/90.

S. 2364, Auth. Supplemental Asst. to Panama & Africa 4/29/90.

S. 2575, Ban on Mineral Activities in Antarctica 9/25/90.

S. 2749, Supplemental Auth. for State Dept. 6/28/90.

S. 2944, SEED Bill 7/19/90.

S. 3041, Policy toward Central Amer. 9/14/90.

Nominations: 240 reported in 1989 and 1990. (Dates listed are the dates reported out of committee).

WORKLOAD/PRODUCTIVITY RANKINGS FOR SENATE COMMITTEES

[100th Cong. 2d sess.]

	Budget rank	Number of employees rank	Square feet per employee		Reported bills and resolutions, rank	Reported nominations, rank	Number of meetings, rank	Number of meeting hours, rank
			Rank	Policy[1]				
Agriculture	14	12	19	120	9	11	13	9
Appropriations	4	6	1	204	9	.....	1	1
Armed Services	8	11	7	153	13	1	3	2
Banking	15	14	4	171	14	9	11	8
Budget	6	5	14	142	16	.....	15	15
Commerce	5	4	16	137	3	2	7	6
Energy	9	9	13	145	2	8	4	3
Environment	11	10	12	149	8	11	9	13
Finance	7	7	10	150	5	7	10	7
Foreign Relations	10	8	9	151	3	4	2	4
Government Affairs	2	3	3	180	12	6	8	5
Judiciary	3	1	5	162	1	5	5	11
Labor	1	2	6	154	6	3	12	12
Rules	16	16	2	185	11	.....	17	19
Small Business	19	17	7	153	17	.....	16	18
Veterans Affairs	18	18	10	150	15	13	19	16
Aging	17	15	18	125	19	.....	18	17
Intelligence	12	13	17	129	18	.....	6	10
Indian Affairs	13	19	15	138	7	10	14	14

[1] In 1983 the Rules Committee set the policy of providing 140 SF per employee as a goal.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HELMS. Mr. President, let me explain how the Foreign Relations Committee surplus came about in the first place. The Rules Committee, of which I am a member—and I was the only Senator on this committee to object—the Rules Committee recomended the Foreign Relations Committee should be allowed to carry over the unexpended funds from Senate Resolution 381, Senate Resolution 66(B) and Senate Resolution 66(C). Mr. President, you try to explain that to somebody in Paducah, Kentucky, or Smithfield, NC. They do not care about Senate Resolution 66(B); all they care about is that we are spending money that we do not have to spend.

Under the combined resolution carryovers, a total of $4.3 million will be allowed, and now we are getting into a little bit higher cotton in terms of the amount we talk about. This amounts to $4.3 million that could otherwise be saved for the taxpayers of America.

With regard specifically to the Foreign Relations Committee, the amount in question is $817,853 estimated to be the surplus on February 28. The distinguished chairman of the Foreign Relations Committee, with my full and total and enthusiastic support, has been most frugal in the past. But, then again, he is provided with twice as much budget for staff as is the Senator from North Carolina.

In 1988, under Senate Resolution 381, the committee was authorized to spend $2,438,915, to be precise. But the committee spent $2,224,935, and that unspent $213,980 was carried over to 1989.

OK. Then comes 1989. Under S. 66(B), the committee had budget authority of $2,880,636, including the $213,980 carryover to which I just alluded. The committee spent $2,383,640, the result being that $496,996 remained unspent from the total budget authority.

Then we came to 1990. Under Senate Resolution 66(c), the committee had budget authority of $3,218,000, including the $496,996 carryover. But what did the committee spend? The committee spent $2,400,147, the result being a carryover of $817,863.

Now, the Rules Committee proposes to allow, with this $817,863, which was saved heretofore by the committee, or at least not spent by the committee, the committee to march forth and hire for the next 2 years, people who are not needed for additional staff.

Now, come on, Mr. President, how about that campaign rhetoric? Oh, Joe Smith, the candidate for the Senate said, "If I am reelected, we are going to bring spending down. We are going to control spending. We've got to do it for the younger generation." Good stuff. People clap, and say, "That's great."

In any case, Mr. President, I ask unanimous consent that a table summarizing that data be printed in the RECORD at this point.

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

SFRC carryovers 1988-91—How the $817,583 surplus occurred

1988 funds authorized by S. Res. 381	$2,438,915
S. Res. 381 funds expended	2,224,935
Carryover of unexpended S. Res. 381 funds	213,980
1989 funds authorized by S. Res. 66(B)	2,666,656
Total 1989 budget authority—carryover plus S. Res. 66(B)	2,880,636
1989 budget authority expended	2,383,640
Carryover of unexpended 1989 budget authority	496,996
1990 funds authorized by S. Res. 66(C)	2,721,004
Total 1990 budget authority—carryover plus S. Res. 66(C)	3,218,000
Estimated expended 1990 budget authority on February 28, 1991	2,400,147

Mr. HELMS. As one member of the Rules Committee, and as ranking member of the Foreign Relations Committee, I find it difficult to look at the Rules Committee spread sheets and understand the dimensions of this problem. The original request by the Foreign Relations Committee was in the amount of $3,183,489, a 17-percent increase over the 1990 authority in Senate Resolution 66 as I mentioned awhile ago.

The Rules Committee has instead recommended the amount of $2,774,561. This apparently is an increase of only $53,557 over the Senate Resolution 66 level. The Rules Committee says that this is an increase of only 1.97 percent. If you believe that, Mr. President, I have a little bit of swampland down in North Carolina I want to show you.

The fact is—and I say this with all due respect—this is sleight of hand. Now you see it, now you do not. The Rules Committee reshuffled the deck, but they still have the same number of cards. The committee will allow carryovers of unspent funds from last year. The actual budget authority recommended by the committee for 1991 is $2,838,488. But in addition, the Rules Committee will allow $345,000 in "non-recurring funds" to be paid for from this carryover.

Thus, the total 1991 funding recommended by the Rules Committee is $3,183,488. What do you reckon that turns out to be, I ask the Senator from Mississippi? I am glad to see him here. That turns out to be precisely $1 less than the Foreign Relations Committee requested. See, all sleight of hand.

Now, compared with the 1991 budget authority recommended by the Rules Committee, this increase amounts to, of course—anybody with a pocket calculator can figure it out—a 17-percent increase as originally requested, not 1.97 percent.

But, if you examine these figures from the standpoint of actual spending—and that is what costs the money, the money we spend. If you want to fund something for $10 trillion and do not spend it, that does not have any effect. But I am talking about what we spend throughout this Federal Government. I am also talking about, start with me. Start with my committees. Start with the Senate. Start with the Congress. Let us be role models for a change. But the botton line is, Mr. President, if you examine these figures from the standpoint of actual spending, not abstract budget authority, but actual spending—I repeat those words just to emphasize them: spending, spending, spending—the increase is even more dramatic.

During 1988 through 1990, the Foreign Relations Committee spent a total of $7,008,722. Thus, the average actual spending for the 3 years was $2,336,488. I wanted Senators to know where I got that figure. But when the actual average spending is compared with the $3,183,488 budget authority recommended—and we have to assume that the Foreign Relations Committee intends to spend it all—the increase in actual spending will be 36 percent.

Now, how do you think that is going to play in Peoria? George Mitchell correctly said we have to tighten our belts. All of us have to do it. The Foreign Relations Committee says, well, not us. We want to shoot it up to 36 percent.

Mr. President, I ask unanimous consent that a table summarizing this data be printed in the RECORD.

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

SFRC funding: Reshuffling the deck, same number of cards

Original 1991 request	$3,183,489
1990 S. Res. 66 authority	2,721,004
Request increase over S. Res. 66	462,485
Percent increase	17
1991 new funds recommended by rules	2,774,561
1990 S. Res. 66 authority	2,721,004
Recommended increase over S. Res. 66	53,557
Percent alleged increase	1.97
1991 recommended budget authority	2,838,488
Additional "non-recurring" funding	345,000
Total recommended 1991 funding[1]	3,183,488
Compare with S. Res. 66 authority	2,721,004
Percent increase in real spending[2]	17
Minimum allowable carryover	408,927
Total 1991 funding less carryover[3]	2,774,561
Total actual spending 1988–90	7,008,722
Average actual annual spending	2,336,241
Total recommended spending 1991	3,183,488
Increase in actual spending 1991	847,247
Percent increase in actual spending	36
1992 recommended budget authority	2,941,563
Additional "non-recurring" funding	358,000
Total recommended 1992 funding	3,299,563
Compare with S. Res. 66 authority	2,721,004
Minimum allowable carryover	408,926
Total 1992 funding less carryover[3]	2,890,637
Total actual spending 1988–90	7,008,722
Average annual spending	2,336,241
Total recommended spending 1992	3,299,563
Increase in actual spending 1992	963,322
Percent increase in actual spending	41

[1] Equals $1 less than request.
[2] Equals same as original committee request.
[3] Equals new funds.

Mr. HELMS. That is about it, Mr. President. By the way, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? At the moment there is not a sufficient second.

Mr. HELMS. I want to give Senators time to get here and provide a sufficient second. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. FORD. Mr. President, will the Senator yield and withhold that suggestion of the absence of a quorum?

Mr. HELMS. Sure. I will be glad to do that.

Mr. FORD. I am not going to do anything to the Senator and I am sure he is not going to do anything to me.

Mr. HELMS. I know that. Mr. President, I withdraw any suggestion.

The PRESIDING OFFICER. The suggestion for the absence of a quorum is withdrawn.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I rise in support of the amendment, and I also would like to be heard with regard to the overall funding resolution for committees. First, I would like to say that I served 4 years as a staff member for my predecessor in the House of Representatives back in the late 1960's and early 1970's, so I certainly have no animosity toward our staff members. I think that they do a magnificent job, in many cases working long hours in extra effort, with not a lot of pay. Many could be out in the private sector making more money and doing a lot more for themselves and their families. So I want to emphasize again, the staff we have in the Senate and most of them on our committees and on our personal staffs really do a great job, quite often under very difficult circumstances.

I also want to recognize up front that the Rules Committee, its chairman and ranking member and its total membership have a tough job. It is kind of like being on the Ethics Committee; you have to judge your colleagues. You have the college of cardinals coming in, the chairmen of the committees and ranking members, saying we need more money, we need this amount or that amount. And now we have the Senator from Kentucky and the Senator from Alaska and others who have to say no, that is too much; we cannot go along with that.

That is a tough, thankless job, so I want the chairman and the ranking member and the members of the Rules Committee to know I understand it is a tough job. I think for the most part they have done a good job this year. They have really worked to hold down the funding for committees.

Having gotten that on the boards, let me move along. That was the soft part. Here comes the other part.

I think we have too much staff; too many around here. If there is anything we do not need, it is more staff. I have always felt that Senators rely too much on staff. In fact, sometimes staff members think they are the Senators.

They start speaking for us and instead of us. I think it is a bad practice.

I think the Senators ought to do the jobs. There has been a lot of fuss lately about Senators attending a meeting or meetings without staff members, as if Senators cannot go to a meeting without staff members. Gee, whiz. We can speak for ourselves and think for ourselves. I think we would do a lot better job and would be a lot better off if we did not rely on staff so much.

Yes, we are all busy. We represent big States, small States. We serve on three, four committees, nine subcommittees.

There is too much of that. I think Senators should not be able to serve on more than two principal committees and one minor committee—a limited number of subcommittees. We would do a better job, all of us. We all do it. I am on, I do not know how many, a couple I wish I were not on right now.

In order to cover all those committees you have to have more staff. We need to limit ourselves and certainly limit the number of staff people we have around here.

If we would cut staff, we would get more work done. A few years ago when I was the Republican whip in the House about 12 staff members worked for the Republican whip. They kept throwing my dog in the fights I did not want him in. Sometime I would wake up and my staff would have me in a battle I did not even know about. The presiding Member knows what I am talking about.

I also kept having all these papers on my desk—great staff people, very prolific, and they would send me all these memos, "do this, that, you need to be here." All of a sudden I had this desk stacked up like that. I was getting more and more work and doing less and less.

Guess what I did. I said we have to get rid of staff people. I cut back to eight or nine. I then had better quality staff work, and less volume. I was able to keep a better eye on them. My dog did not get bitten as much in fights I did not even know he was in. I did a better job because I had the staff I really needed. I did not have staff trying to prove their worth as much by giving me reams of paper.

So I have seen it happen. We could cut staff and do more. I urge that we all think about that a little bit.

I am now ranking on two subcommittees—one the Merchant Marine Subcommittee of Commerce, Science, and Transportation, chaired by the distinguished Senator from Louisiana [Mr. BREAUX]. And, I have just moved up to be ranking on the subcommittee with the Senator from Illinois [Mr. DIXON] on the Readiness Subcommittee of the Armed Services Committee with a lot of jurisdiction.

With these assignments, I looked around and said, great. I am going to have more staff now. Surprise. It does not work that way. The chairman and the ranking members control these staffs very closely. I do not get any additional staff assistance other than what was already there. They report to other more senior members of the committee: the ranking member or the chairman.

So not only are we adding more staff, quite often the Senator who is doing the real grunt work is not getting it. I have sympathy for these subcommittee chairmen of the Foreign Relations Committee, saying if we are going to do the work, more work, we need to have our staff doing it. What happens is I have to have a member of my regular Senate staff be a go-between between me and the committee or the subcommittee staff.

I feel uncomfortable about that, quite frankly. He should be doing work for me as a Senator from the State of Mississippi, but I have to have this go-between between my committee and my work, and my own office—my own staff.

Once again we keep adding staffers, but it does not seem like the staffing is getting to the people who are having to do this work. They are still answering to someone up above that.

We talk about controlling spending. We were told that in last year's budget resolution, which I am very proud I voted against, we were going to have less spending, control spending. I did not believe it. I do not think anybody believed it.

The fact is we are not. It has gone up. I still feel like the administration made a mistake there. We raised taxes in that budget. We have more taxes coming in, and more deficit.

The people out in the real world do not understand how that happens. At the same time we tell them we are going to control spending, we are going to raise our own committee staffs. Come on. It is indefensible.

We ought to freeze Federal spending across the board. Freeze it. Maybe in some areas where we have extraordinary problems we should allow a little ratchet up and find places other than defense to cut some spending.

We are in a free fall in defense cuts—12-percent reduction this year over last year. Surely we could set a little bit of an example by saying, let us at least freeze our own staff and committee funding level or even cut it back. If we could at least freeze it, we should not allow it to go up.

This idea of carryover, boy, is that a bad prize. I guess a committee could save up hundreds of thousands, millions of dollars. How long can you carry it over?

I think the committee is trying to control that, and maybe this time you can only carry over 50 percent. I tell you how much I think you should be able to carry over from one session of Congress, one 2-year period to the next—zero, zip, none. You should not spend it unless you need it. If you do not spend it, you lose it. It could go back to the Treasury and reduce the deficit.

So I hope we will stop that practice altogether. Again I do not believe the general public would understand the carry-over arrangement. I do not think they understand it in a lot of areas where the Federal Government allows that to happen.

Are we talking about a paltry number of people here? No. We are talking about over 1,200 committee staff positions, as I understand it. I would be glad to get the exact number. I saw a number 1,203. They may not all be filled.

Mr. FORD. It is 1,239.

Mr. LOTT. It is 1,239. Maybe that is not too much. But that seems like enough. Let us stop it there, roll it back just a little bit, a little attrition, or something of that nature.

With regard to the Foreign Relations Committee, it is a very, very important committee. It has important responsibilities. The distinguished chairman and the ranking member work together to try to do a good job on treaties and confirmations. That is all fine. I do not know how to judge whether they are going to have more or less work. I hope they have less work.

If they want to find some ways they can cut back some spending in Foreign Relations—I have a couple of examples. I suggest we can save money on Jordan. I do not want to be too critical of the committee, but I think to have any increase in committee funding this year over last year for Foreign Relations is too much. One dollar is too much. But to allow it to go up 1.97 percent, that is too much. To allow it to go up 36 percent, that is astronomical. It is outrageous.

You might say, well, most of what we are talking about is carry over. All I know is they are going to spend, according to what I have, $690,000 more this year than last year for the Senate Foreign Relations Committee—$690,000.

You know that just will not do. I do not care if the subcommittees are going to do more work. I think they may. I think that is a good idea. I think some committees do too much work at the full committee level. They need to do more work at the subcommittee level.

I commend the chairman and his subcommittees for working in that direction. But maybe we should phase it in a little slower. Maybe you should redirect some of the existing staff to the subcommittees. That is what I think is done on most committees. I do not think the chairman and the ranking members ought to control these staffs quite so closely. If you are going to be ranking on some subcommittee or chairman of that subcommittee, you

should be able to get those people to work with you and for you and at your direction.

Mr. FORD. Will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. FORD. Mr. President, my dog is not hardly in this fight. But I am chairman of the Rules Committee, and the Senator from Alaska is the ranking member. The Senator referred to the Foreign Relations Committee as if they have subcommittees. They are reorganizing. They are now giving subcommittees the authority to spread the load out just a little bit.

So you are preparing apples and oranges here, and the Senate has to understand that all committees have not been organized right, and yet, remember that some of the Republicans on the Foreign Relations Committee voted for this budget. And so I just want to say that we have had a mix here, and I wanted to be sure to say, when the Senator was criticizing the Foreign Relations Committee about giving more staff to subcommittees, they do not have subcommittees.

Mr. LOTT. I thank the chairman, and I would like to respond. No. 1, I think they are moving in the right direction. I commend them for going to subcommittees and doing more subcommittee work. I think, though, what they ought to do, instead of adding more staff on what they already had, they ought to look at maybe dividing up some of the slots, not necessarily the people that they had for the full committee, down to the subcommittee level. Maybe they should not have had as much increase below in the subcommittees in the first instance.

I have gone through this before when I was in the other body. It is not a partisan thing. Republicans are as guilty as Democrats quite often. One of the things that I was not proud of was when the Republicans were in control, I thought they could have reduced staff more than they did. If we get back control, I am going to be advocating an across-the-board cut in committee staff slots. I know Republicans voted for it. It is not Democrat or Republican. This is institutional, and we ought to all say, Republican and Democrat, staffs are too big; they are costing too much money. Let us change. Why do we always have to look at how it was done in the past? We always build on whatever we had before, and we want more.

In the House of Representatives, I can remember going to ranking members on the subcommittees, and ranking members of the full committee and saying, "Why in the world are you supporting the chairman's request? You are an accomplice." The Republicans always lose on that anyway. If the majority gets a $400,000 increase, the Republicans get $160,000. You never get ahead on it. But is is not Republican and Democrat, and it is not the size of the money. It is the principle.

How can we ever really convince anybody we are serious about controlling spending if we do not begin here? Let us at least freeze every committee. I will take my share of the lumps. Of course, that will go from zero to zero to zero, nothing. When I get my opportunity, some day hopefully, to be in a senior enough position where I can control the numbers, or chairman hopefully some day, if I do not vote to control, freeze or cut the staff numbers, I urge my colleagues to remind me and call my hand, because I will be ashamed of it, if I am aware and sane enough to realize what I am doing.

Mr. HELMS. Will the Senator yield?

Mr. LOTT. I am delighted to yield.

Mr. HELMS. I think the distinguished chairman of the Rules Committee inadvertently misspoke. In the first place, the Senate Foreign Relations Committee does have subcommittees. There were 59 meetings of the subcommittees last year, for example. It is true that we do not in subcommittee mark up bills, and I——

Mr. FORD. We do not separately fund the subcommittees.

Mr. HELMS. That is correct. I thank the Senator.

Mr. LOTT. I thank the gentleman for that clarification. I did not know precisely how the committee or subcommittees worked on Foreign Relations. I have been on a couple of committees for 2 years, and I have not figured out how they work either. I am still trying to figure out what a lot of the staff people do.

I have read in publications where staff members are attending conferences in New Orleans, LA, on a subject matter on which I am supposed to be the ranking member. I did not know they were going and what they were doing down there. We need to tighten up this ship a little, across the board.

Mr. HELMS. If the Senator will yield, I agree absolutely. The Senator did not have the pleasure of serving with Herman Talmadge, but I cannot count the times he got up and said we have too many staff members around this place, that we ought to get rid of half of them and put the Senators to work.

But with reference to the vote in the committee, one Republican Senator voted against me. Another Senator voted with me, and after that, it did not carry, and he voted the other way. That is the sum total of the Republican participation in the vote on this matter. One Senator who was a staff member himself—and I respect him, and he is a good friend of mine—wanted another staff member for himself so that he could be, as he put it, "more active as a ranking member."

Mr. LOTT. I thank the Senator.

And one other point I want to emphasize. While we are not happy with the funding for some committees, particularly Foreign Relations, it is important to note that some of the committees restrained themselves and did not ask for any increase or not very much of an increase—at least from what I have read—under pressure from the chairman of the committee; they restrained themselves and showed that they can get by with existing staff or very minimal increases. So this is not an indictment across the board. We need to recognize that.

I just believe that as we start this new session, and in this time of great exuberance about how our men and women have performed in the Persian Gulf, and the other things that are happening of a very positive nature, we ought to lead off this year by saying that we are going to tighten our own belts first. We should begin with the Foreign Relations Committee.

I support the amendment, and I urge my colleagues in a bipartisan way to support this effort.

I yield the floor.

Mr. PELL. Mr. President, the funding that is being discussed is a very modest increase for majority and minority salaries. This is the first time in over a decade that the committee has requested funds exceeding the Rules Committee guidelines. Such an increase is justified, however, in view of the anticipated sharp increase in the committee's workload during the 102d Congress.

For example, we expect three major arms control treaties, a maritime boundary treaty with the Soviet Union, five major human rights treaties, and much more. These are all new items over and above our regular, recurring work, and there may be even more new items depending on whatever there is post-gulf war legislation that the administration might submit to the Congress.

Existing staff resources would not enable the committee to act on this expanded agenda in a timely and effective manner. And bear in mind that the committee staff is exactly the same size as it was 10 years ago. Moreover, the budget of the Foreign Relations Committee ranks near the bottom in the Senate in budget growth over the past 10 years.

I add here that we are reorganizing the committee, and more of the work is being delegated to the subcommittees. In the past, we did not do that, and I think our workload now requires a change. I wish to increase the responsibility and activity of the subcommittees themselves under their chairmen.

Finally, this increase was approved in the Rules Committee on a 9-to-1 vote, not counting two proxies in addition to the nine.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD. Mr. President, if I may, let me say to the distinguished Senator from North Carolina [Mr. HELMS] that we discussed a time agreement earlier, and he thought we might get by better with not having a time agreement. So we have gone almost an hour on this amendment, and we were almost agreeable. It looks like it might go beyond that. So trying to be a good soldier here, I would like to see if we could find a time agreement that would be amenable to the distinguished Senator.

Mr. HELMS. Mr. President, I inquire if staff or any Senator knows whether any other Senator on this side needs time?

Mr. FORD. I would not ask the staff. They probably should not be given that much responsibility.

Mr. HELMS. On the other hand, the only other way we have to take telephone calls is from the staff that we have and people answering the telephone.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I would just like to take a minute to respond to the amendment being offered by the distinguished Senator from North Carolina and make several observations.

First of all, the distinguished senior Senator from Rhode Island, the chairman of the full committee, deserves a special note of recognition. This is one of the few committees in the last decade which has never asked for a single nickel of any increase in spending.

To say the Senator from Rhode Island is parsimonious with the taxpayers' money when it comes to the Foreign Relations Committee is an understatement. In fact, this year alone, but for the reorganization of the committe, the committee would be returning in excess of $800,000 in taxpayer money to the budget. But because we are in a transition phase here in reorganizing the committee, the decision was made to use some of those dollars that would otherwise be coming back as part of the reorganization effort. So it is really not an increase at all, but utilizing some of those funds for the reorganization effort.

The chairman, with over 10 years on this committee, with all the work that the Foreign Relations Committee has been charged with, to not ask for any additional funds whatsoever, I think deserves commendation.

We hear people speak all the time, committee after committee, coming in year after year asking for increases. That charge has I suppose a certain degree of legitimacy in some cases. But if an amendment would be offered and target the Foreign Relations Committee with that argument one need only look at the record over the last decade and one would have to conclude that argument regarding this committee is just not valid.

For 10 years not a single nickel increase in funding and wanting to turn back almost $1 million in resources I think is, as I said a moment ago, commendable, and it speaks highly of the distinguished Senator from Rhode Island and his view about spending.

I point out this: In that same turnback, if you will, of dollars, the $800,000, the majority would be turning back some $740,000, if my numbers are correct, and I may be off a little bit, but roughly $740,000, and the minority is turning back $36,000. So, by comparison here, and on this committee, the majority of the leadership of Senator PELL has been far more careful about taxpayer money.

I note further that up until now the staffing of subcommittees or the staff of the Foreign Relations Committee has been the prerogative of the chairman and the ranking minority member. That is not unique. There are a number of committees that do it that way. So to suggest somehow this is spending that is being squandered by individual members of the committee is really not the case.

Every single member of the minority staff on the Foreign Relations Committee is hired by the distinguished minority leader or the minority member of the Foreign Relations Committee. Senator LUGAR has no staff on the Foreign Relations Committee. Senator MIKULSKI has no staff. Senator KASSEBAUM has no staff. Each and every member of the Senate Foreign Relations Committee minority staff is hired by the distinguished minority member, the ranking minority member of the committee.

That is $740,000 for the staff of the senior Senator from North Carolina, of which he turned back $36,000.

Senator PELL, the chairman of the committee, operating basically under the same procedures, returns some $820,000.

We are now changing a bit of that. There will be subcommittee taking on individual members, at least in the case of some subcommittees, not all of them additional staff. And to do that we are utilizing some of the funds we would otherwise be turning back.

Our hope, I think—and I do not want to put words into the mouth of the chairman of the committee at all—our hope is to be able to absorb those additional people through a process of attrition over the next couple of years. People might otherwise be retiring or there will be changes. So we hope to be able to come back to the Rules Committee in 2 years' time and not necessarily need additional funds at all.

That is our hope and I think the hope of the chairman of the committee, and it would be the hope of this Member.

So while this particular amendment may have some merit when it comes to other committees, it is inappropriate when it comes to this committee. This committee has not asked for an increase, has returned funding, and is trying really to reorganize the committee in a way the chairman has pointed out will suit the demands of the committee.

So I commend the chairman of the Foreign Relations Committee for doing just what ought to be done by other committees and he and the committee ought not to be penalized for having been that careful with taxpayer money.

I would hope when the time comes for voting on this amendment that our colleagues will look at the record of this committee, would look at what Senator PELL has said about the organization of the committee so that we might meet the challenges in this coming Congress, and reject this amendment as being patently unfair and disregarding the history of this committee over the past decade.

I also commend the chairman of the Rules Committee for his leadership overall on these questions, but particularly on this one as well, and for Senator MCCONNELL and other members of the minority of the Rules Committee who overwhelmingly rejected this very amendment. This was not a close call in the Rules Committee. It was overwhelmingly defeated by Democrats and Republicans.

So for Members who want to look at that record and discuss this issue with members of the Rules Committee before the vote, I am sure all will be willing to do so.

Again I thank the chairman of the Rules Committee for his leadership, being creative under difficult times in managing this kind of problem.

This is the sort of issue that lends itself to some pretty petty demagoguery if one wants to engage in it here because it is an internal matter of the Senate and sometimes gets lost by constituents as to what these resources are used for. But the fact of the matter is the chairman of the committee, as the chairman of the Foreign Relations Committee, certainly his constituents in Rhode Island and people across this country ought to know that this chairman of this committee has led it in a most fastidious fashion and has been extremely careful and judicious with taxpayer money, at the same time I think producing a very good product

out of that committee over the last decade, countless treaties, nominations of ambassadors, authorizations of various kinds, and resolutions that come out of that committee.

Having done so without asking this body to spend any additional money deserves I think commendation of every single Member of the U.S. Senate.

I thank the Chair and I yield the floor.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, I have discussed this with the distinguished Senator from North Carolina and other principals. I ask unanimous consent there be 45 minutes on this amendment and that 45 minutes be equally divided on the Helms amendment No. 16, and the time be equally controlled and divided between the managers or their designees, and no amendments be in order to the Helms amendment; that when all time is used or yielded back, then the Senate will vote on the Helms amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, and I shall not object, I hope we get in a position to yield back time, I say to the distinguished Senator.

Mr. FORD. I think we can.

What was the question of the Senator from North Carolina?

Mr. HELMS. I have no objection. But I believe you left out the yeas and nays.

Mr. FORD. They prefer not to have it in the unanimous consent agreement. You can ask for the yeas and nays, and we are going to give them to you.

Mr. HELMS. I have no objection.

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

Mr. FORD. May I make one thing clear? My able staff instructs me—and I want you to know that the Senator from Mississippi is wrong about most staff members—that that should include "to proceed to a vote on or in relation to the Helms amendment."

Mr. HELMS. You mean the Senator may move to table?

Mr. FORD. Maybe.

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

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

The yeas and nays were ordered.

Mr. FORD. Now I have a few minutes that I wish to use to speak. Does the Senator from Mississippi wish to speak?

I would like to have a few minutes on the amendment, also. So I would just like to try to work it out here, if I could.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 520 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I am not asking for time. Mr. President, I believe the Senator from Mississippi would want to have some time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kentucky for yielding. The point I want to make in this debate on the funding resolution, Mr. President, has to do with whether or not it is appropriate for this Committee on Foreign Relations to have such an increase made available to it when we are trying our best to comply with the budget agreement that was enacted last year. Members of Congress worked very, very hard with the administration to outline spending restraints that would be in effect over a period of time so that greater control could be exercised over the budget, the process, reducing the deficit, and trying to make sure that we create an opportunity for our economy to grow again, to create jobs.

I know the work of this committee is important, but I wonder whether it is important enough to justify the kind of increase in allocation that is being requested under the resolution that is pending before the Senate. I know the committee has very competent and able staff members who work to support the efforts and the jurisdictional responsibility of the committee. I have no quarrel with that.

It does make me wonder, though, whether this is going to be an increase that will improve the understanding of a majority of the committee to the extent that they might have, if the extra funds were available to them, suported the administration policies in the Persian Gulf? I do not know and I wonder whether it would have had that effect or not.

If these additional funds are going to be used for simply partisan purposes in that committee to possibly undercut the policies of this administration, then I am not in favor of the increase. I am sure that there would be those who would defend the use of the funds and say to the Senate that is not the purpose. When we look at some of the actions of this committee in the recent past, particularly on the majority side, we wonder sometimes whether or not they are undermining or opposing the administration on partisan grounds or not. It is a question I think that at least arises.

I hope that the Senate will look very carefully at the amendment of the Senator from North Carolina. I am going to support it, Mr. President. I ask the Senate to approve it.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I say to the Senator from Mississippi, is he the designee for the Senator from North Carolina?

Mr. COCHRAN. I am not really, but I can check with the Senator.

Mr. FORD. We failed to charge the Senator's time to his. I ask unanimous consent that the time used by the distinguished Senator from Mississippi be charged to Mr. HELMS.

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

Mr. COCHRAN. That is fine, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, I rise in support of the Helms amendment.

Mr. FORD. Mr. President, I apologize to the Senator from Colorado. Will he yield to me for a moment?

Mr. BROWN. I yield.

Mr. FORD. Under the circumstances, there has to be time yielded to the Senator by the manager of this amendment. How much time does he wish to have?

Mr. BROWN. Five minutes.

Mr. FORD. I ask unanimous consent that the Senator from Colorado be yielded 5 minutes from the time of Senator HELMS.

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

Mr. BROWN. Let me express my thanks to the distinguished Senator from Kentucky.

Mr. President, I thought it might be helpful in making a decision on the Helms amendment for Members of this body to understand some of the background with regard to congressional staff. The fact is that we, as a nation, have to be competitive in this world and that competition, that competitiveness, that ability to make products and services compete in a world market, extends not only to the men and women who work in this country with their hands, but the men and women of this Nation who provide services.

The fact is that competitive drive has to extend to the Congress of the United States, and it does, for an obvious reason: Because we end up being major spenders of the public money. But I think it has to extend to this body for another reason as well. We set an example in this body with regard to how competitive our Nation is going to be and we set an example for this Government of what kind of care and efficiency we are going to insist on in the way we perform our services.

I think most Members would be shocked to see the comparative numbers of staff that exist for deliberate legislative bodies around the world. Mr. President, the reality is that

America is No. 1. We are not only No. 1 in the Persian Gulf this morning, but we are No. 1 in terms of bureaucracy and staff as well, and it is a record that does not make us as proud.

The Legislative Studies Quarterly said it pretty well in 1981, the last study they have printed on the subject. At that time, they noted that America had the biggest staff for their deliberative body in the world. At that time, 23,525 staff members for Congress. What is significant about that? It is significant because it was No. 1 in the world. It was the biggest staff for any deliberative body anywhere in the world. It was 30 times the staff of the Parliament of Great Britain. It was 13 times the staff of France, both the national assembly and the French Senate combined. It was 16 times what the Republic of Germany had. The fact was at that time, it was 10 times as big as what any country in the world had.

What does that mean? Does it mean we are more deliberative? Probably. But it also means we have allowed a staff, primarily selected not on merit but on a patronage basis, to become an integral part of our elected process and our deliberative process.

The reality is this Nation has a huge staff as compared to any nation in the world. Now, what has happened in the meantime? We went from a position where we had a staff vastly larger than any nation in the world in 1981. The latest figures we have are 1987. Staff has not gone down. It has gone up. It has gone up from 23,500-and-some up to 31,995.

Mr. FORD. Mr. President, will the Senator yield on my time.

Mr. BROWN. I will be glad to yield to the Senator.

Mr. FORD. I would like to bring the Senator's attention to the amendment we are debating. Staff on committees is only 1,200, and so the Senator is talking about his office, my office, and others. We are talking about committees now. There are a little over 1,200 staffers for all the committees of the Senate.

So I hope the Senator would not include this amendment on this resolution for committee funding in the overall to make it appear that we have 23,000 staff members. We do not. I imagine the Senator is including the House and everything else. I wish the Senator would refer in his remarks to this resolution so we can kind of keep it in context.

Mr. BROWN. I want to thank the distinguished chairman from Kentucky for his observation. His point is exactly right. This resolution deals with Senate staff. It does not deal with the whole Congress.

Let me point out that figure, though. That figure is from the Congressional Research Service. It is an entirely accurate figure and it is a figure of the total staff.

I must say at least from this Senator's point of view that we cannot talk about increasing staff in this body without looking at the entire staff that we have available to us, that is on our payroll.

The tendency to expand patronage staff is an indication of our willingness to spend taxpayers' money on our own personal staff. So are we dealing with a portion of the staff that belongs to Congress? Absolutely. Does it affect the number of people who work for us? Of course it does. That is why I believe those figures are relevant.

We have to look, I believe, in determining whether our staff is adequate or not at the entire mix. Do the people who work in the other areas besides Senate staff end up having an influence on the resources that are available to us? I believe they do. I believe the people who do research at the request of the Senate staff or the Members is part of that parcel.

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

Mr. BROWN. According to the vital statistics on Congress, the Congressional Quarterly 1989-90 indicates, we have the biggest staff in the world. It also indicates——

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. BROWN. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. BROWN. I thank the Chair.

I simply would add that today we still have the biggest staff of any country in the world, but we are not just the gold medal winners in terms of patronage staff and staff overall. We are nine times bigger than the silver medal winner, Canada, No. 2, which has fewer than 3,500 employees. We are more than nine times bigger than No. 2.

The amendment we are considering today addresses the question of increases in staff. If the Members of this body can honestly say, knowing that we have nine times as many staff members that any other country in the world has for their deliberative body, we need more, and tell the taxpayers of this country they have to go out and work longer and harder and pay more taxes because we do not have enough staff, they have an unusual ability to talk with their constituents.

I yield back my time, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. The Senator from Montana wishes to speak?

Mr. BURNS. I do, Mr. President.

Mr. FORD. I ask unanimous consent the Senator from Montana be recognized for 3 minutes, and that it be taken from the time given to Mr. HELMS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized for 3 minutes.

Mr. BURNS. Mr. President, I rise to oppose this committee funding resolution because it is a breach of faith with the American people given in last year's budget agreement.

It is not the first breach of faith, I might add, but it is the first one on which we will be asked to vote—and I intend to vote "no."

In public, Members of this body are telling their constituents that this is truly a time of fiscal austerity—that everyone must tighten their belts to get this budget deficit under control.

Privately, we are slipping ourselves more money to spend on our committees and committee staff.

I chose the phrase "slipping ourselves more money" carefully because that is, in fact, how this is being done.

The Rules Committee will tell us that this resolution only allows a 4.6-percent increase for 1991 and a 3.9-percent increase for 1992 for all committees.

What is not being said—what will not be clear to the American people—is that those numbers are based on the amount previously authorized, not the amount actually spent.

Once again, we employ smoke and mirrors to hide our dastardly deeds. The smoke and mirrors is the Rules Committee decision to allow Senate committees to carry over surplus funds from one year to the next.

Every other Government agency loses money that they have not spent at the end of the fiscal year, but the U.S. Senate gets to use this old money and not count it against new spending.

It is as though money not spent in the year to which we designate it is money not spent.

No one says it better than Senator JESSE HELMS when he states that the American people "are not going to make any distinction between old money and new money. I think they look at it as their money."

Some people may think that I am making a mountain out of a mole hill here. After all, it is only $50 million or $60 million a year.

But I think it is extremely important to point out that this money comes out of the same pool allocated for all domestic discretionary spending.

As a result of last year's budget agreement, domestic discretionary spending is capped at $200 billion in budget authority and $212 billion in outlays for the time period we are discussing today.

Therefore, the more money we spend on our committee budgets, the less money we have to spend on Head Start, WIC, education, highways, drug en-

forcement and treatment, and other worthwhile domestic priorities.

It is my intention to make sure Congress stays within our funding caps—I would have made them even lower to force true deficit reduction—but nonetheless the caps are there to serve a purpose.

They force Congress to prioritize. And I for one do not think that spending for more committee staff is as high of a priority as the well-being of our children or the condition of our highway infrastructure.

That is why I intend to vote against this resolution.

Mr. President, every other Government agency, when it comes to the end of the year, if it has some money left over, loses that money, all except those committees and committee staff, when they come in the black, they get to retain that money. I think the distinguished Senator from North Carolina put it pretty well the other day: They call that old money and they mix it with the new money and that gives them a little more than what we were originally allocated. I think we ought to take a look at that. I would quote from Senator HELMS from North Carolina. He says that, "The American people are not going to make any distinction between old money and new money. I think they look at it as their money."

I am pretty sure that is true. We have caps and those caps were put in the budget agreement for a purpose. That would make us prioritize the dollars that we spend. I think the money we spend here on this staff, some of it needed, some of it not needed, is very obviously not needed. It takes away from other programs we should be funding; like WIC, like education, like highways, and the infrastructure that serves the people of this Nation.

I ask that the Members of this body take a good close look on who they have working on the staffs and do they really need the money, because I for one think the caps are good. They were placed there for a reason. They were placed there to prioritize, and we ought to take a look at our own fiscal responsibility in the workings of the Senate.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I find myself in a position of defending each separate committee. I do not particularly like that, but it is my job and I am going to try to do it.

Two years ago, when the distinguished Senator from North Carolina was ranking member of Agriculture, he objected to that funding. Now he is ranking member of Foreign Relations and he is objecting to that funding.

It was carried on a bipartisan basis in the Foreign Relations Committee; Democrats and Republicans voted for it. We had Foreign Relations members, both Democrats and Republicans, on the Rules Committee and they voted for this particular allocation.

We have been hearing about spending a lot today. The point we have made in this resolution is that the chairmen have not spent. They have a surplus, and we are using that surplus, not to use the money that has been appropriated for the committees. So in theory we are saving. We are funding committees and as chairmen and ranking members they will spend it.

The distinguished Senator from Colorado comes up with all these big figures. He forgot to look at the chart, because for the last 6 years as chairman of the Rules Committee we have been static, just having cost-of-living increases.

That is it. When you start including the House, the Senator knows more about the House than I do. They are going up 67 percent. We are over here about less than 4 percent. Let us not start comparing this body with that body. We will take care of our own and let the House take care of theirs.

Mr. BROWN. Will the Senator yield?

Mr. FORD. I will be glad to on my time.

Mr. BROWN. As I have read the committee's documents, the report of this committee shows a 14.2-percent increase in the number of staff, from 89 to 91. Would that be correct?

Mr. FORD. I do not have a percentage increase. But we are going up new positions, 36 total, from 29 permanent, 7 temporary for 25 committees.

Mr. BROWN. My understanding is the 89 as the base, it is a total of 14.2 percent, from 89 to 91.

I thank the Senator.

Mr. FORD. I do not know what 30 members of 1,203 might be. That does not sound like 14 percent to me. It sounds like under 10 percent.

Mr. BROWN. I am sure the Senator is correct in his calculation.

Mr. FORD. Take 10 percent of the staffers. That is 120. We only increased it 36. That makes it somewhat less.

So, Mr. President, we are saying everybody is trying to tell somebody how to run the committee they are not on. Everybody is arguing here, basically, except one today is not on the Foreign Relations Committee. Then they come on the Senate floor and tell me how to organize my office. That is my business and I will take that to the citizens next year. They may like it, they may not.

I have turned back money every year, maybe with the exception of 1, for 16 years. I have turned back money out of my office. Some years are better than others. But I have turned back my own. That is my responsibility, and I take it very seriously without somebody else trying to tell me and condemn me how to run my office.

So we have gone astray here. We had a little narrow resolution as it related to funding committees. Now this little circle has begun to expand. Now we are saying there are 20 some odd thousand staff people around. We are talking about 1,200 here. The office of the Senator from Colorado is included in this. We will see how much you turn back at the end of your year. Think about that. But we will watch that very closely.

The Foreign Relations Committee saved $800,000, and did a good job. There is a lot of pressure now with the Persian Gulf, and a lot of things to be done. You have to remember that one-third of this increase goes to the minority. We are very clear about that. There has never been a complaint from the ranking member as it relates to the amount of money given to him.

So let us start being fair instead of using demagoguery around here. We have continued to hold the committees down. We have done a good job of it. We have cut them to the bone. When we start easing up a little bit, then that is too much.

We have a little gimmick in there—if you want to call it that—a little way of trying to help the committee chairmen be frugal. We say whatever money you save, you get to keep 50 percent of it, and none reoccurring—better computers to make your committee more efficient. That is an incentive to save.

We have tried awful hard, but yet it looks like the Rules Committee wants to be condemned. You have the ranking members on both sides of that committee. I am talking about leadership. The Republican leader is on the Rules Committee. We only had one vote against the Foreign Relations budget. All the Republicans voted for it.

I do not understand why we get so worked up when we have practically unanimous consent as it relates to what we have done. I get a little excited. Maybe I should not. But I take my job here seriously. We have done a good job on the Rules Committee.

One thing we have to look at very closely—why not get up here and condemn the Armed Services Committee? We gave them a little bit more. Why do you not condemn the Banking Committee? We gave them a little bit more. We looked at the problems that we think we will face in the next 2 years. And we tried to give our colleagues the amount of staff that is necessary to accommodate the need.

You think the pressure is not going to be on us? Times are not good out there economically. You find in your offices more and more people are calling, more and more people want things, and more decisions have to be made.

So if you are going to look at the committees, look at how they are going to spend the money and how they have agreed to.

I heard the statement made if you cannot say "no" to this one, you can-

not say "no" to the lobbyists. Well, the easiest thing I have to do around here is say "no" to the lobbyists. That is easy unless it comes from back home. I am with them. I listen to my people back home. So if my people do not tell me, I do not say "yes" to anybody.

So if you cannot say no to lobbyists over this piece of legislation, I want to tell you that is a mistake as far as this Senator is concerned.

But I am very concerned that we begin to criticize our colleagues because every chairman and every ranking member came before that committee and asked for so much money. We did not give everything they wanted. We took $150,000, $250,000 out of their request. We tried to figure out a way so we would not spend additional appropriated money.

So here we go. I am willing to defend it. I am willing to take the heat on this one. I think we are absolutely correct in what we have done.

Some people will volunteer to criticize for no pay at all. So let us watch out how this thing might come back to haunt some of these people that may want something one of these days.

One thing I want you to be sure about is that the increased cost is divided. That division is there and the fairness is there. There has never been any question about being unfair about the funding on the committees—not a one—because we asked that from every committee. Everybody was satisfied as it related to funding, satisfied as it relates to rooms, space. Sure, we do not have enough space. But instead of having 148 square feet per employee, they want 198. We do not have it. So we are not going to give it. That was an easy no.

Mr. President, I do not know how many other Senators want to speak. I am getting ready to yield back my time. If the Senator from North Carolina is here—or does the Senator have the authority to yield back time?

I yield the floor, Mr. President.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed and that the time I use be charged to the time allocated to the Senator from North Carolina.

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

Mr. COCHRAN. May I inquire as to how much time remains under the agreement?

The PRESIDING OFFICER. The Senator from North Carolina has 7 minutes and 50 seconds.

Mr. COCHRAN. Mr. President, I have been authorized to state that there is no objection to proceeding to a vote on this amendment, and the time he yielded back. I am authorized by the Senator from North Carolina and the distinguished Senator from Alaska, the manager on this side, to say that.

Before yielding back though, I ask unanimous consent that the Senator from Mississippi [Mr. LOTT] and the Senator from Indiana [Mr. COATS] be added as cosponsors to the Helms amendment.

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

Mr. COCHRAN. Mr. President, as I stated, I am prepared, with the authority of the Senator from North Carolina and the Senator from Alaska, to yield back the time and proceed to a vote if that is agreeable.

Mr. FORD. It is agreeable with me. I want to make one final point if it is all right with the Senator from Mississippi.

Since 1981, if we had just allowed inflation for each of our Senate committees—just the rate of inflation for each of our committees—we would be spending almost approximately $5 million more than we are requesting today, just to give you the rate of inflation from 1981. Since I have been on the committee to today, we would be giving $5 million more.

So these figures clearly indicate the committees' budgets have not even kept pace with inflation. So I think that speaks well.

If the Senator is ready to yield back, I will move to table.

Mr. COCHRAN. I am happy to yield the time allocated to Senator HELMS on this side on the amendment.

Mr. FORD. I yield back the remainder of my time.

Mr. FORD. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to table.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

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

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—55

Adams	Dodd	Kassebaum
Akaka	Exon	Kennedy
Baucus	Ford	Kerrey
Bentsen	Fowler	Kerry
Biden	Gore	Kohl
Bingaman	Graham	Leahy
Boren	Harkin	Levin
Breaux	Hatfield	Lieberman
Bryan	Heflin	McConnell
Burdick	Hollings	Metzenbaum
Byrd	Inouye	Mikulski
Daschle	Jeffords	Mitchell
DeConcini	Johnston	Moynihan
Nunn	Robb	Simon
Packwood	Rockefeller	Stevens
Pell	Sanford	Warner
Pryor	Sarbanes	Wirth
Reid	Sasser	
Riegle	Shelby	

NAYS—41

Bond	Dole	Lugar
Bradley	Domenici	Mack
Brown	Durenberger	Murkowski
Bumpers	Garn	Nickles
Burns	Glenn	Pressler
Chafee	Gorton	Roth
Coats	Gramm	Rudman
Cochran	Grassley	Simpson
Cohen	Hatch	Smith
Conrad	Heinz	Specter
Craig	Helms	Symms
D'Amato	Kasten	Thurmond
Danforth	Lautenberg	Wallop
Dixon	Lott	

NOT VOTING—4

Cranston	Seymour	Wellstone
McCain		

So the motion to table the amendment was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DODD). The question now occurs on amendment No. 15, offered by the Senator from New Hampshire.

Mr. FORD. Mr. President, I ask unanimous consent, since the time has run on this particular amendment, that we be given an additional 5 minutes in order to offer the substitute that has been agreed to.

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

AMENDMENT NO. 17 TO AMENDMENT NO. 15

(Purpose: To express the sense of the Senate that Senate committees should provide information to facilitate the equitable distribution of Federal funds between the States)

Mr. FORD. Mr. President, the purpose of the amendment earlier was to express the sense of the Senate that committees should provide information to facilitate the equitable distribution of Federal funds between the States. What we did, rather than put the onus on the committees, we put it on the executive branch to furnish that, and it would not increase the cost to the Senate committee system or delay. So the distinguished Senator from New Hampshire [Mr. SMITH] and I have agreed on this, and I now send a substitute to the desk for the Smith amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. SMITH, proposes an amendment numbered 17 to amendment No. 15.

Mr. FORD. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the language proposed to be inserted add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

Mr. FORD. I yield to my friend if he would like a minute.

Mr. SMITH. I thank the chairman for his accommodation in this matter, and ask that the amendment be approved. I thank the chairman for working with me on it.

Mr. FORD. Mr. President, I yield back all the time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 17.

The amendment (No. 17) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment No. 15, as amended.

The amendment (No. 15), as amended, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Is the Senator from Colorado ready to go with his amendment?

Mr. BROWN. I am.

Mr. FORD. I ask the distinguished Senator from Colorado if he would be willing to enter into a time agreement.

Mr. BROWN. I say to the Senator from Kentucky, my understanding is that the time agreement would be not more than a half hour, equally divided, and that agreement would involve an acquiescence in a request for the yeas and nays.

Mr. FORD. I ask unanimous consent that there be 30 minutes on the BROWN amendment, equally divided and under the control of myself and the distinguished Senator from Colorado or our designees, and there be no amendments in the second degree.

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

The Senator from Colorado is recognized.

AMENDMENT NO. 18

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 18.

Mr. BROWN. 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:

That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1991 and 1992".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1991, through February 29, 1992, in the aggregate of $54,433,572, and for the period March 1, 1992, through February 28, 1993, in the aggregate of $56,569,485 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant of Arms, United States Senate, Department of Telecommunications, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,981,783, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,054,457, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,879,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not

to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,058,867, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,900,029, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,018,641, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,721,304, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,832,878, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,521,080, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,924,123, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,839,673, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of

the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,701,485, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,804,715, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,929,442, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,027,500, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,774,561, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,888,318, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,056,605, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,263,926, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,979,958, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,171,893, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,293,756, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,510,800, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,518,989, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with this jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29,

1992, under this section shall not exceed $1,047,108, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,090,039, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,195,204, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,244,208, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, as amended, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,213,792.

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,239,556.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,356,636, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,453,258, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,062,982, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,106,564, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

ELIMINATION OF SPECIAL RESERVE

SEC. 22. (a) It is the sense of the Senate that the funds authorized for any Senate committee by Senate Resolution 66, agreed to February 28, 1989, for the funding period ending on the last day of February 1991, any unexpended balance remaining after such last day shall be returned to the Treasury.

(b) It is the sense of the Senate that funds returned to the Treasury pursuant to subsection (a) should be reprogrammed and made available for the Headstart Program.

SEC. 23. STATE EQUITY

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each state under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each state under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

Mr. BROWN. Mr. President, the amendment does incorporate the recent Smith amendment. It is an amendment in terms of a substitute for the bill. The amendment is basically very simple. It suggests that there not be increases, that we limit the committees to the lower funding recommended by the committee or, in cases where the committee exceeded 4.1 percent, the cost of living, that that increase be cut back to the cost-of-living increase. The additional provision in it suggests that we would eliminate the unexpended funds account, the slush fund that has been referred to, the balance that has been available each year.

That total is a little over $7 million.

Mr. President, the intention of this amendment is very clear. Spending the public money is all about choice. It gives the Members of this body an opportunity to decide where the money can be best spent. This Senator believes that this Nation should not further increase committee staffs. There is sincere disagreement with that conclusion by many Members of this body. But, for this Senator, I believe there are better uses for that money.

The fact is, spending in the U.S. Senate or the U.S. House for this Government in general is a zero sum game this year. That is, if we increase spending here, we do not have as much to spend in other places. And if we save money here, which this amendment will do, we have more money to spend in another place.

For me, I would prefer to see the money we can save in this resolution spent for operation Head Start. The Head Start Program I think has great merit. While we are not allowed to legislate the transfer of this money, this amendment suggests it is the intent of the U.S. Senate that this money be used to augment other funds available for Head Start.

To put it simply, what we do is save money by controlling the increases of the Senate committee staffs and suggest that money ought to be used for Head Start. It is a simple choice. What is my colleagues' preference? Where is the money better spent in this Senate? It is better spent in Head Start than it is in adding additional staff?

Why would I say that? Let me emphasize, Mr. President, it is not out of objection to the fine people who have headed our Rules Committee. The fact is, the very conscientious members of the Rules Committee, and the very distinguished chairman from Kentucky who heads that committee, have responded to requests from committee chairmen and ranking members of this body. They have responded to the wishes of other Members of this body in asking for more funds. I understand the pressure he has been under.

I would agree he has tried to do a responsible job with that. We all, I think, understand the kind of pressures that can be put on our various committees, if Members of this body want more money for patronage staff. I happen to believe, though, that this particular money is going to be much better spent in Head Start than it would be for augmented staff.

Let me emphasize, I do not fault the chairmen and the ranking Members of this body for their request. They are responding to pressures on their committee as well. Other members of the committee want more staff that they can select and use. Their motives are not evil or bad. The chairmen and ranking members have responded to that pressure just as the Rules Committee has responded to that pressure. So I do not for a minute suggest that the decisions of the Rules Committee have been easy or that they have failed to be responsive to this body. They have been responsive to this body in a very real sense with the resolution they have brought to the floor.

The element I wish to introduce is one of choice, the suggestion that we can and must do a better job in setting priorities and that, rather than increasing our staffs further, that money ought to be used for a very good program.

Why would I suggest our staffs are big enough? Is there a case to be made where we could have more staff? Yes. But let me suggest this for the Members who are considering this question, the question of whether or not the staff should be increased more or not: The total staffs of this Congress, the House and Senate, that responded, is the largest staff of a deliberative body in the world. It is not simply the gold medal winner, the biggest in the world, it is nine times bigger than the No..2 in the world.

The Legislative Studies Quarterly: In 1981, we had 23,525 members of staff, both the House and the Senate, not just limited to committee staff but all the staff. That was 30 times the staff that the Parliament of Great Britain had. It was 16 times the staff of the Republic of Germany.

The vital statistics on Congress from the Congressional Quarterly report of 1989 and 1990, reports a staff of 31,995. That is all of them. That is not just committee staff. Indeed, that is all of them. The distinguished chairman has pointed out before that what we are dealing here with is just committee staff. His point is precisely right. But it is a further increase in the overall staff we have. That figure, 31,995 that is quoted in that report, is a staff that is more than nine times bigger than that of Canada.

I believe that we can go without adding new staff members. I believe that going home and telling the hard-working men and women who pay our salaries that, even though we have a staff bigger than any country in the world and we have a staff nine times bigger than the No. 2 country in the world—even though we have that kind of staff, we still need more—I believe that is undefendable. I know it is in Colorado.

I can tell Senators what my constituents in Colorado will say to that. They will say we do not think you should have the nine times bigger staff, much less increase it. I suspect, Mr. President, we will find Americans all across this country feel that way. This is an area where we can save money and we can transfer it to a program that has a better use for it.

I have searched through the committee's report to find, within that report, a breakout of how much money was spent by each committee last year. The report does not contain that information, as nearly as I can tell. It does relate the amount of money requested, new funds requested. But I think, as most of the Members of this body realize, there are unexpended funds held over. It is an unusual budgeting procedure. What it does do is make it very difficult for the public or anyone else to know what we actually spend in this Chamber on committee staffs.

What this amendment does is quite simple. It gives people what the committee gave them in the way of new funds or, if they have asked for more than the cost of living, it holds that increase to 4.1 percent, the cost of living. And it does away with the slush fund. I think that has merit.

Some will say, and I think perhaps with good reason, that there is a reason to have an unexpended balance, that it rewards people for conserving money and that is a good and reasonable argument. I, for one, will be willing to vote to give people incentives to use money that is unexpended. To do it in a blanket fashion, and do it in a way that does not fully disclose the amount of money that is spent each year, I think is a mistake.

All that really remains to be said, I think, are two things. One, we in this Chamber and in this Government lead by example. It is no different than the young marines who got out in front and charged. The way to lead is to set an example. A marine lieutenant or marine sergeant who says you are going to have to take that hill and yet stands back is not very successful. All of us know and understand that. Unless we in this Chamber set an example of economy, unless we in this Chamber say, yes, we are serious about getting this budget deficit down and we are willing to do our own part, no one is going to think we are serious. And, indeed, no one does think this Congress is serious about controlling spending.

We can send a message that will be heard in every agency of this Government this afternoon. We can say we are so dedicated, so committed to controlling spending that we are even not going to increase our staff this year. That does not just save money. What it does is send a message to everyone that we are serious about meeting our commitments.

Let me suggest if we do increase our staff again this year, it sends the opposite message. It sends a message that is "business as usual." The fact is, No. 1, we lead by example.

The second point I hope Senators will consider when they vote on this is they decide where they want the money spent. To this Senator, the money will be much better spent in Head Start. I know we cannot accomplish it all with this amendment, but we can indicate our intent that it be spent on Head Start and that is what the amendment does. I think we have a choice. I think that is the essence of good budgeting.

I believe good budgeting can start with this Chamber saying we are going to take our staff increases and use them for Head Start. I think that sends a message as well and one the American people will appreciate when the Congress finally says we are serious about setting priorities; that we are willing to give up our increases to increase a good program. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. FORD. Mr. President, we are going through the same scenario we have been through before. I am sorry the distinguished Senator from Colo-

rado has not been around the Senate long enough to know and understand what goes on and what we have done. If he had listened a little earlier, if we had just given the cost-of-living increase over the years, we would be spending almost $6 million more on our committees. Instead, we are not even up to cost of living over the last 15 years.

What the Senator from Colorado is doing is even taking cost-of-living away from the present staffers. He is cutting it all out, and then he says he understands that this money cannot go where he is indicating where it is supposed to go. There is no legislation in here saying that it has to go to Head Start or that it has to go to any other program.

So we are right back where we started from. He has cut out of every committee the cost-of-living increase for the present staff. There is not a staffer on either side who does not need 4 percent, 4.1 percent, but he has taken it away from them. We are 25 percent behind private enterprise now, and you wonder why we are losing good staffers. They are going to private enterprise or they may be going over to the House where the Senator left and getting more money.

The staff on the House side make more money than Senators on this side. Yet, we want to take away that little 4.1 percent from them. It is getting to be where we do not have any heart at all.

And talk about the Senators like a marine in combat. In Kuwait, the marine is getting shot at and he is not and I am not. And to say we are here like the marines in Kuwait. It does not take much courage to stand here and talk a lot. It does not take much courage to stand here and demagog it a lot. It takes a lot of courage in Saudi Arabia to look down a gun barrel. That takes a lot of courage.

So I hate to say that we are going to compare the dangers of the U.S. Senate to the dangers of a marine lieutenant in Saudi Arabia——

Mr. BROWN. Will the Senator yield on that?

Mr. FORD. I will be glad to, on your time.

Mr. BROWN. I will be delighted to have it on my time.

It may well be that this Senator misspoke or that Senator misheard. The fact is what you have just related is not what I said and not the comparison I made. The comparison I made was with regard to leadership. I believe those marines have set an example of what leadership would be about. I think they have set an example that we ought to be willing to emulate in terms of leadership by example, but to suggest for 1 minute that I have compared the courage of this body to the courage of those marines would not be accurate.

Mr. FORD. Mr. President, I might just say to the Senator that what he is doing is taking the money away from the Armed Services Committee that made the decision to help those soldiers who are doing so well over in Kuwait. So he says in here that he will take away the additional 4.1 percent cost-of-living increase from those staff members on the Armed Services Committee who have done so well. They are not one of the biggest ones. They do not ask for a whole lot, but yet he wants to take that away. And the Armed Services Committee made the decisions, came to the Senate floor, they are doing the things that we are so proud of today, yet he wants to cut it out. Maybe you ought to leave Armed Services alone.

But I just say to my distinguished friend that I do the best I can. Every chairman, every ranking member, except one, did not get everything they asked for, and we had to make a judgment on where the interest will be in the next biennial, 2 years. We thought Foreign Relations, with the problems in the Persian Gulf, would be an area in which we needed to give great concern. We thought the Armed Services Committee was an area in which they needed a little additional help because of the problems we will be facing. We will be looking at the defense budget pretty hard, and that is important, not only to us but to the rest of the country, and we need to have the best minds we can get.

Mr. President, the Finance Committee is going to have one hard time. We have three staffers on our side, where the House has 15 over there. There is your difference. So ours are standing at the table trying to work out Medicare and Medicaid and they run shifts in on our Finance Committee. So we get condemned over here because we have 3 and they have 15. Our staff works day and night. They run-in five and they go out and sleep, worry, fume, fuss over it, another five go in, the others go out, go sleep, come back, and ours have to stay there.

I see the distinguished Senator from Colorado shook his head when he talked about the staff 3-to-1, 4-to-1. I think we have done a pretty good job. I do not want to say I am proud of what we have done, but I am pleased. I think we have done a pretty tough, hard job, and we have come up with it. Now to cut and say Head Start, and the Senator in his statement said he knew he could not legislate to Head Start. You hope at sometime it would go to Head Start.

Mr. BROWN. Will the Senator yield on my time?

Mr. FORD. I understood you wanted that money to go to Head Start. Am I correct or not correct?

Mr. BROWN. I believe I stated specifically in my statement, while we could not legislate it, we can state our intentions.

Mr. FORD. It is a good thing to talk about Head Start here, that money could go to Head Start. We have had these before. We have had these amendments where money is taken from one thing and transferred to another.

We have caps out here now. We are under the appropriations, well under the appropriations. And we have saved money.

I just hate to see these chairmen get banged on, and the ranking members get banged on, and you say they ask for too much; they did not do the right thing. I am here defending my chairmen and my ranking members. I am here defending the ranking member because he signed off. He said I agree with this and then we had to cut some of them. But every ranking member signed off on this save one, and I am here defending the ranking member against his own party. Maybe that is the way it is supposed to be.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator from Kentucky has 7 minutes, 35 seconds.

Mr. FORD. I yield to my friend from Alaska whatever time he needs of the 7 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 7 minutes and 25 seconds.

Mr. STEVENS. Mr. President, it is obvious the Senator from Kentucky does not need any help, but I do want to state what he has said is correct. The resolution we brought before the Senate has been supported basically by every chairman, every ranking member, except one, that came before our committee. We have given them less than they asked for in every instance.

I understand the direction of the Senator from Colorado, and I am certainly a great supporter of Head Start. But I would say that the funds that we have used for the increases that are necessary for a temporary purpose have come from the surplus accounts, funds that were not used in 1990 by the committees. If we had not used them, they would have gone to the contingency fund of the Senate. They would have been available for spending by the Senate anyway.

This way they are available for spending by Senate committees that have specific problems right now. We believe and hope they are temporary, and we have not increased the permanent number of employees of the Senate. As a matter of fact, the Senate should be interested in knowing that we have less employees on our staff than we have authorized, and we have funded less than we have authorized. So I really do not think we have gone over the line as far as meeting the problems of the Senate, particularly

vis-a-vis the House, as the Senator from Kentucky has indicated.

I want the Senate to know I voted to support this resolution. It was reported out from the committee with one objection, and we still recommend it to the Senate and oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, will the Senator yield me a couple minutes?

Mr. BROWN. Mr. President, I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. HELMS. May I ask the Senator if this is his first amendment in the Senate? Let me commend him on it. Contrary to what was said a little bit earlier, I think he has been here long enough to know exactly how the Senate works, and that is what we are talking about, and the House of Representatives as well.

Mr. FORD. The nomenclature of Head Start indicates something else. The Senator is very familiar with advertising. The Senator is one of the geniuses of the Senate as it relates to advertising, and when the Senator began to use the words Head Start and the money underneath of that and then you say we cannot legislate that but hope it will go there, then I want to make that point.

I say to not only my friend from North Carolina but also my friend from Colorado, I get excited every once in a while, and I have to back up and bite my tongue and one thing and another. But I am very appreciative of the question.

Mr. HELMS. Mr. President, what I just heard is typical of the distinguished Senator from Kentucky. That is one of the things I admire about him and I thank him.

Based on the content of the amendment of the Senator from Colorado, I believe it is clear that he will have a long and successful career in this body.

The Senator understands that the American people have just about lost all faith in the ability of Congress to deal with the Federal deficit. With this amendment limiting the increase in spending for Senate committees, he is giving the Senate the opportunity to take a first step in restoring that faith.

Specifically, this amendment limits spending for each committee to a cost-of-living increase of 4.1 percent for each of the 2 years covered by this resolution or to the amount recommended by the Rules Committee, whichever is less.

In addition, the amendment eliminates the carryover of unused funds by Senate committees, and includes a sense-of-the-Senate provision to dedicate the savings to the Head Start Program.

Mr. President, over and over again the press has called the massive Federal deficit the Reagan deficit or now, the Bush deficit. But the last time I checked, it is Congress that appropriates the money in this town, not the President.

Nothing makes this clearer than the amendment offered by the Senator from Colorado. Overall spending for Congress is scheduled to increase over 17 percent in fiscal year 1992. This compares to the 2.6-percent increase projected for all Government spending. If the resolution does pass without the Brown amendment, then Senate committee staff would increase by a whopping 14.2 percent from 1989 through 1992.

Mr. President, if Congress cannot get its own house in order, how is it ever going to get the house of the Federal Government in order? The simple answer is that it cannot, and that is why the amendment offered by the Senator from Colorado must pass.

One additional point, Mr. President. As I noted previously, the Brown amendment strikes those provisions in the Committee funding resolution which permit committees to carry over unused previously authorized funds.

There are $4.3 million in surplus funds from all committees which are to be carried over into the new budget. The guidelines which the Rules Committee had originally sent out to the committees proposed that there should be no carryovers. The carryover process which has been in effect for only 3 years, was supposed to die.

Yet, here it is being revived in Senate Resolution 62. We should stick by our guns and not allow any carryovers, which is just what the Senator from Colorado proposes to be done.

Mr. President, as I said earlier, this Nation is just winding down a war. We are in a recession, and Congress just raised taxes. Now is not the time to increase spending on our own staff here in the Senate, and as such, I hope the Brown amendment passes.

I thank the Senator from Colorado for yielding to me. He is a noble successor to the great Senator Bill Armstrong. I know Bill Armstrong is proud of the Senator, and so am I.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Mr. President, I thank the Senator from North Carolina for his comments. In my mind there is no higher compliment than being compared to Bill Armstrong. While I am not worthy of that, I am deeply appreciative of it.

Mr. President, let me reemphasize some remarks I made earlier in presentation of this amendment.

The Senator from Kentucky, I believe, has responded to requests that have come before his committee. I do not fault him in any degree for responding to those requests. I simply suggest to this body that there is, indeed, a better use for this money.

With that, Mr. President, if there are no others who wish to discuss this issue, I ask for the yeas and nays.

Mr. FORD. Will the Senator withhold just one moment?

Mr. BROWN. I withhold.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. In the zeal here to make a point, not only has the Senator from Colorado eliminated any increase, he has eliminated COLA's for the staff. That, in my opinion, has gone just a little too far. I think it is indicative of the thought that has been given to how they are damaging committees. So I would be very hopeful that my colleagues will not agree. It is a tough one. They always make it tough on you around here. But when you vote a tough vote, the hide comes off, it grows back and you get tougher. So I am perfectly willing to take my shot with this.

So if the Senator from Colorado is ready to yield back his time, I am ready to yield back my time, and I will move to table.

Mr. BROWN. I thank the Senator. If I could add one point, the way the amendment is drafted we have taken the new money that the committee had recommended. In a few cases where the committee had recommended more new money than the 4.1-percent cost-of-living increase, we cut the size of the increase back to 4.1 percent. So at least as far as I am aware, certainly from the way we have drafted it, it would, indeed, allow a cost of living in those cases.

The area that may well be a problem and that the Senator may be referring to is that we also in this amendment eliminate the balance in the unexpended funds. I think it would certainly be reasonable to say that the elimination of those unexpended funds balances could well cause concerns for the committees and I would certainly understand it. But let me reiterate, the amount of new money is simply the amount the committee has recommended or where they have recommended more than the cost of living, the amount of increase has been cut back to the cost of living. So at least in terms of what I believe is in the amendment, the way it is drafted I think there is certainly cost-of-living money in there for where it has been recommended up to that level.

Mr. FORD. Let me say to the distinguished Senator from Colorado that the amendment also eliminates sections 22 and 23 which is the surplus; the reserve provisions in Senate Resolution 62 are eliminated by the amendment. The committee would lose any carryforward for each year of the biennium. So when we get something on the right track and begin to save

money and have incentives for the chairmen to save money, then we have amendments like this that not only eliminate that incentive but also eliminate COLA's. Maybe the Senator needs additional staff to help figure out what is in the bill. The money that is not used is the money we used to pay for the COLA's. That is the mistake.

So if the Senator is ready to yield back his time, I will yield back my time, and I will move to table.

Mr. BROWN. I yield back my time.

Mr. FORD. I yield back my time.

I move to table the amendment of the Senator from Colorado.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Colorado.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

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

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—56

Adams	Fowler	Mitchell
Akaka	Gore	Moynihan
Baucus	Graham	Nunn
Bentsen	Harkin	Packwood
Biden	Hatch	Pell
Bingaman	Hatfield	Pryor
Boren	Heflin	Reid
Breaux	Hollings	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Burdick	Johnston	Rudman
Byrd	Kennedy	Sanford
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Sasser
DeConcini	Leahy	Shelby
Dixon	Levin	Simon
Dodd	Lieberman	Stevens
Exon	Metzenbaum	Warner
Ford	Mikulski	

NAYS—40

Bond	Garn	McConnell
Bradley	Glenn	Murkowski
Brown	Gorton	Nickles
Burns	Gramm	Pressler
Chafee	Grassley	Roth
Coats	Heinz	Simpson
Cochran	Helms	Smith
Cohen	Kassebaum	Specter
Craig	Kasten	Symms
D'Amato	Kohl	Thurmond
Danforth	Lautenberg	Wallop
Dole	Lott	Wirth
Domenici	Lugar	
Durenberger	Mack	

NOT VOTING—4

Cranston	Seymour
McCain	Wellstone

So the motion to table the amendment (No. 18) was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 20

(Purpose: To limit committee staff)

Mr. CHAFEE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 20.

Mr. CHAFEE. Madam President, I ask unanimous consent that the 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, add the following:

SEC. . No expenses authorized by this resolution for any committee shall be paid from the contingent fund of the Senate for any staff members in excess of the number of staff members authorized by such committee during the calendar year 1990, unless a committee or combination of committees employing 100 or more staff members has reduced the total number of their staff members by a number equal to the new staff members authorized so that the total number of staff members authorized by the committees funded by this resolution remains constant.

Provided, That if any committee with fewer than 100 staff positions certifies in writing to the Committee on Rules and Administration its need for additional staff pursuant to this resolution, the Committee on Rules and Administration shall have the power to reduce accordingly the committees with more than 100 staff positions to accommodate that request.

Mr. CHAFEE. Madam President, I am willing to enter into a time agreement if the managers of the bill would like that.

TIME LIMITATION AGREEMENT

Mr. FORD. Madam President, the distinguished Senator from Rhode Island and I have discussed this. If it is satisfactory with him, we will have 45 minutes on this amendment, 30 minutes to the distinguished Senator from Rhode Island, and 15 minutes for the Rules Committee.

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. FORD. Yes.

Madam President, I ask unanimous consent that there shall be no amendment in the second degree as it relates to this amendment.

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

Is there objection to the time agreement?

Mr. FORD. I thought we got that done.

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

The Senator may proceed.

Mr. CHAFEE. Madam President, last fall in the Senate and, indeed, in the entire Congress, we engaged in a lengthy and sometimes heated debate on the fairest and most responsible means of reducing the Federal budget deficit. That debate culminated in the bipartisan budget summit agreement.

Although that agreement has not brought about immediate reduction in the deficit, it has put in place a new set of rules governing congressional spending. This is known as "pay-as-you-go." According to the pay-as-you-go program, one category of the budget cannot grow above a certain amount unless there is a corresponding reduction in another program in that category. Important new initiatives under these ground rules that we have now, initiatives dealing with better prenatal care for expectant mothers, for example, better care for children in the health programs, a whole series of measures that we all believe in, would require a corresponding reduction in another program in that category.

Obviously, Madam President, if we want one of these new programs, it faces a difficult path to enactment because there has to be this offset by reductions in other domestic programs. That is what we call pay as you go. I supported the pay-as-you-go approach, and I think it is safe to say most of the Senate supported that.

Throughout the eighties and now into the nineties we have been talking about the urgency of reducing the deficit. There is not an individual Senator who has not been out on the stump in his or her home State proclaiming how important it is to reduce the deficit. We have put in place a mechanism which holds great promise for imposing serious discipline on congressional spending. I believe we ought to adhere to this principle, and we ought to adhere to it in setting the budgets under which our own committees operate.

However, Madam President, we do not have that in this measure before us now. This is no pay-as-you-go principle. That is ignored in this resolution.

Senate Resolution 62 provides budget authority to the standing special and select committees of the Senate.

In accordance with the practices of the Senate, earlier this year the chairmen and the ranking members of the 19 committees being funded by this resolution went before the Rules Committee to request funding levels for the next 2 fiscal years. This is a measure that covers 2 years. We will not be

back here on this for 2 more years. This is the last shot until then.

The Rules Committee suggested the increases of 4.1 percent for salaries and 5 percent for administrative expenses. They suggested that that should be sufficient. While most chairmen and ranking members requested funding up to or below the suggested level, six committees have requested additional funds to create new positions and permanent positions on those committees.

The Rules Committee has agreed to add these new positions. However, the Rules Committee has not sought to offset this increase by cutting back elsewhere in the budget. Thus, the Rules Committee proposes that spending for several committees should grow above the normal amount, but it is not willing to offset this growth by cutting back someplace else.

Madam President, this is not a pay as you go. It is a spend-as-you-go program. It seems to me altogether inappropriate for the Senate once again to vote to exempt itself from the restrictions we have imposed elsewhere in the budget. That is what we would be doing if we allow these few committees to grow without an offset in a larger committee.

Since the beginning of the committee system as it exists today, we have seen a steady growth in the size of committee staffs. Some of that growth is to be expected, and, indeed, I looked back and saw what the size of the committees were in 1950. I found that the total size of the committees in 1950 was 300. I suppose we could say the committee responsibilities have grown, and as the committee responsibilities have grown so have the staffs.

As a matter of fact, one of the reasons I fought against the new Hart Building, was because there is a theory which I believe is accurate that size increases to available space. If you have the space, the committee staffs will grow to meet that space. So there is a certain virtue in the old cramped quarters that we had where people could hardly move around. I know it was substandard in every category but at least it served to hold down the staffs to some extent.

I have mentioned the staffs were 300 in 1950. By 1970 they were 635. They doubled. And from 635 in 1970, they have nearly doubled to 1,203 in 1990.

Recognizing that the committee staffs have become inflated, in 1981, under the leadership of the Republican majority, committee staffs were reduced by 14 percent. That was a step in the right direction. However, today there are three committees with well over 100 full-time permanent staff positions. What are they? Governmental Affairs, 124; Judiciary, 138; Labor, 124.

There is no committee that has more responsibilities, a bigger agenda, encompassing more areas than the Finance Committee. Yet the Finance Committee has a total staff membership of 57. Indeed, now, they are asking for 7 more positions to make it 64 for next year and then it goes down to 63.

But even at that, let us take the worse figure, 64. At 64, they would be less than half the size of the Judiciary Committee, they would be about half the size of the Labor Committee and half the size of the Governmental Affairs Committee. Think of that. The Committee with probably the heaviest responsibilities can get along with half the staff of the Governmental Affairs, the Judiciary, and the Labor Committees.

Needless to say, the budget authorization for these committees reflect their girth. In the resolution that we have before us, the Rules Committee has included funding above the recommended 4.1-percent increase for six committees. These six committees requested the additional funds for the creation of 29 new full-time permanent positions and 7 temporary positions, for a grand total of 36 new positions. And that will make the total number of positions in the Senate for the staff of the committees 1,239. That is an increase of 96 percent since 1970—1,239.

Perhaps those committees need additional positions. I have heard good arguments and supported the request of the Finance Committee for additional staff. Our chairman made a good presentation. I am not going to impose a judgment on whether those other committees who asked for new positions require them, whether their workload has increased, whether the productivity sought from them is more demanding than before.

This is what my amendment does, Madam President. It says that in order for those committees to grow, a reduction in the three oversized committees is required. In other words, my amendment is very simple. It would cap the total number of positions authorized at the 1990 level. That would mean 1,203 permanent committee staff positions. If a committee needed to increase its staff above this level, as perhaps is the case with the six committees requesting additional funding, the Rules Committee would be required, if they deem that this was a worthy case, to seek an equal reduction of positions from one or a combination of the three extra large committees, those three committees with more than 100 authorized staff positions—Governmental Affairs, Judiciary, or Labor.

What my amendment does, Madam President, is seek to limit excessive growth in committee staff. It does not seek to restrict legitimate growth.

Once again, if we are to apply the pay-as-you-go approach to all other spending in the budget—and that is what we have done. If you want to do something to help the elderly, if you want to do something to help the medically indigent, if you want to do something to provide better care for children or improve education, you have to take it from elsewhere within that category. And so it goes with defense. If we want a new program, we have to take it from somewhere else in the defense budget.

Madam President, let me conclude by saying what this does is endorse the pay-as-you-go approach. This does not neglect the cost-of-living that is sought. This does not keep out the increase that is sought for the nonsalary items in the budget. We keep that. What it does is hold down the number of positions and thus also hold down the spending.

Madam President, I very strongly believe—and I think if you took a poll in the Senate, they would all say the same thing—that what we demand of other sections of the Government, of the departments of the Government, we should impose upon ourselves. I think it behooves us to set an example.

So, Madam President, that is the gist of the amendment.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. CHAFEE. I reserve the remainder of my time.

Mr. STEVENS. Mr. President, Madam President, I would like to have 5 minutes.

Mr. FORD. I yield 5 minutes to the distinguished Senator from Alaska.

Mr. STEVENS. Madam President, my good friend from Rhode Island makes a case for restricting the growth of the number of employees in the Senate. When I was deputy leader, under Senator Baker as our majority leader, we did bring about an across-the-board reduction of employees.

But, let me tell you what has happened in recent years in the Senate. We created the Budget Act and we now have a Budget Committee. We created a Small Business Committee, a Veterans' Committee, an Aging Committee, a Committee on Intelligence and Committee on Indian Affairs. I do not recall many voices being raised on this floor against the creation of those new committees.

In addition, the Budget Act itself has imposed additional work on the committees of the Senate. Budget Act compliance is now the name of the game here in the Senate and it has almost doubled the workload of the staffs of every committee.

The impact of the amendment of the Senator from Rhode Island would be to say that those committees that at the current time have not filled all their positions would not be able to do so in the future. The problem is, we have seasonal committees. Even the Budget Committee, itself, is a seasonal committee. I call the Senate's attention to the fact that we are just starting a new budget process. We have people leave

at the end of one cycle. The Budget Committee is down to 70 employees from an authorized level of 83. I think we should commend them for their approach in not maintaining a full staff all year round when they do not need them, perhaps, all year round.

But the basic point is that the amendment of the Senator from Rhode Island is going to impact committees that need this staff. Take Armed Services: I know of no committee that is going to have a heavier workload in the immediate months ahead of us now. They are down to 48 members. They are authorized 52. We just authorized them to go up an additional 4 to 56 because of the obvious workload on that committee due to Desert Shield and Desert Storm.

The Finance Committee, justifiably, has requested an increase because of their problems.

The Banking Committee also has requested more staff. I am sure there is no one here that does not recognize their need for additional employees.

But while I recognize the necessity to limit growth, I do believe that now the emphasis of our committee staffs is to try to find a way to limit the total growth of Government. That takes the assistance of people to analyze these budgets, to analyze our compliance with existing laws, to determine what we should do with specific areas such as intelligence.

The Intelligence Committee is going to be very much overworked this year and it is down now to 42 members of their staff. They are authorized 45. I do not believe that the impact of their being temporarily down ought to mean that they would be denied the opportunity to fill those vacancies.

In other words, Madam President, I think that we are operating now on the basis of restricting the request for increase. The Senator from Kentucky and I have tried our best to ensure that. We have not asked the Senate to approve much new money. Basically, we have taken the increase from the carryovers from 1990.

What the Senator from Kentucky said previously about the double teaming of our Finance Committee when they get to conference occurs with every committee in the Senate. The Defense Subcommittee that I am the ranking member of, former chairman of—when we go to meeting with the House we find a margin of 3-to-4 House staff as opposed to the people working with us. We find we really have a difficult time keeping up with the staff conferences called by Members from the other side, because of the impact of that number that they have available to them and the number of people who are working with us.

I am not complaining. I am just saying it is a fact that we operate with fewer employees but do the same work.

I am opposed to the amendment of the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I would just make a couple of points if I may in rebuttal to the distinguished Senator from Alaska. He was mistaken when he said that I am limiting the position to those that are currently filled. I did not do that. I dealt, instead, with the authorized levels. In other words, there are currently 1,108 employees and 1,203 available positions. I worked with the 1,203. So I did not say to the Armed Services Committee or whatever committee it might be, how nice of you, you are frugal, you cut back but you are planning on taking up a surge load—as it would, for instance, in the Budget Committee, at a certain time—and I have restricted you back to the employees you have now. No, I have not done that. I have worked with the authorized positions. That is the first point.

The second point is that it is extremely unfortunate, it seems to me, that what is an emergency load and an increase in the number of positions that a committee needs this year becomes the floor of the committee positions for the next year. In other words, let us say that committee A has a very important bill, a heavy load, and therefore the Rules Committee says yes, you need seven more positions. We will give you the seven more positions.

The measure is handled, the measure is passed, it goes to conference, we confer with the House, we need the staff, and the bill is done with. But we do not find that committee going back the next year and saying thank you very much for the extras you gave us, we will give you back the seven people. No, that becomes the floor for that committee; the permanent floor of the number on that committee. And you build on that. Therefore, we never see a decline in the committee.

I sympathize and understand the points the Senator from Alaska made about going to conference with the House. But that has been true for years. Sure we go to conference with the House and we find the House has a roomful of staff and we have a few. I like to think we have quality. I like to think that we have done very well.

I do not think anybody in this Senate will say we have been bamboozled by the House in conferences. We have held our own. Last year I was a member of two conference committees at the same time dealing with clean air and dealing with Medicaid provisions, with the Ways and Means Committee and the Commerce Committee. They had many more staff than we had. But we were able to handle ourselves. We did not think we were overcome. We did not think we were blown out of the water by a series of movements by the House and all its staff members. So I really do not think that is a justifiable reason for increasing the number of staff.

So, Madam President, I hope this amendment will be adopted. It gives tremendous power to the Rules Committee. It says to the Rules Committee you can move these people around. I would be interested in, sometime, having an explanation of why these three particular committees have so many people. The Governmental Affairs has 124 people. The Labor Committee not only has 124 people but, if this does not gall my colleagues, they are going to get 3 more; they are going up to 127. They are going to nose out the Governmental Affairs Committee for second place in staff size, and they are edging Judiciary which holds steady at 138.

Mr. STEVENS. Will the Senator yield?

Mr. CHAFEE. Sure I will.

Mr. STEVENS. I wonder if the Senator realizes the Governmental Affairs Committee is composed of the former Post Office-Civil Service Committee, Government Operations Committee, D.C. Committee, and the permanent investigating committee? They were put together—four committees. When they were put together they ended up with less staff than they had as individual committees.

There was an accommodation there in the past.

As far as Judiciary is concerned, I want the Senator to realize the basic problem there is the number of appointments they handle every year for the entire Federal judiciary.

If we look at the other committee, the Labor Committee has the basic problems of all of the labor laws of the country. They have a traditional level. I believe if we look back when employment in the Senate was less, they still had a comparatively large staff level in the Senate. In other words, I do not think we have upset the historical trend and I wonder if the Senator realizes what is involved here in terms of the workload of the committees as reflected by the legislation and appointments that come to the floor of the Senate.

Mr. CHAFEE. Madam President, the thing I find distressing is that these three committees have constantly had more staff than the others. I think if we made a fair judgment in this body we would find that no committee has a heavier load, as I mentioned before, than the Finance Committee. What do they deal with? They deal with all taxes, they deal with Medicare, they deal with Medicaid, they deal with Social Security, and, Madam President, all trade matters.

There is not a committee here that has a platter as full, as that. Yet that committee, as I say, is half the size of these committees. I think this makes no sense.

I have confidence in the Rules Committee, in its chairman and in its ranking member, that they will be able to move around people from staff to staff when there is a surge in a particular committee.

In 1986 we had the tax measure before the Finance Committee. This year we had the trade agreement with Canada. This year we have possibly the trade agreement with Mexico, the GATT coming before us, possibly a tax measure. As always there are struggles with Medicare and Medicaid.

If that committee needs additional people then the Rules Committee could look at it. I have confidence in their fairness. They would say, well, I think you are right, Mr. Finance Committee chairman, I think you need three more people. We will give them to you. We will take them from one of these committees that does not have such a heavy load and has such a heavy staff.

So, Madam President, I think this is an eminently fair provision. I hope it will be adopted. Frankly, I would like to see the managers of the bill adopt it. That is an offer.

Mr. FORD. Which is not accepted.

Mr. CHAFEE. Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes left.

Mr. CHAFEE. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky has 9½ minutes.

Mr. FORD. Madam President, the distinguished Senator from Rhode Island would have us take staff members from three committees and that would be Governmental Affairs, Labor, and Judiciary. He says, take one of those employees and transfer them over to Finance. The chairman, the ranking, would not want that staff member from Judiciary on to Finance, because they have no finance background. Is the Senator requiring that they fire somebody so they might put more on? He is putting the onus on the chairman and the ranking, after instructions from the Rules Committee, to fire somebody or to eliminate them from that committee.

We have accepted the request of the Finance Committee at this time, seven new staff members in the first year.

We think they need it. I think they need it, and you say you had a good time, without any trouble, working with Ways and Means, you got along fine except your staff, with only three of four there, never went to sleep for about 3 days, where the others used teams. I think that is unfair, but it points up one thing: We did not have enough. So that has been recognized by the chairman and ranking member of Finance, and the Rules Committee, in their judgment, said it should be done. It is all up to the Senate.

It appears that we are not staying within the amount of moneys authorized or appropriated. I say to my good friend that from 1980 through 1990, if we had just given the committees cost-of-living increases—that is all—we would be spending almost $5 million more today under this budget than we are asking the Senate to approve. I think that is a fairly decent record, and we appropriated money and we are asking the Senate to authorize and appropriate to the committees almost $15 million less than the budget calls for.

Madam President, we can take anything and make it bad or we can take anything and make it good. We can always find word merchants who make it sound horrible. That is why I get in political campaigns. We watch these ads on TV and you really wonder about the individual when you get through saying how bad they are. Apparently, the ranking members on these committees are bad because the Republicans agreed with the Democrats on their request except one. So we sit there as a mixed group, I believe it is 9 to 7, 9 to 6 on the committee—9 to 7—and we vote unanimously, except on one committee, and that is all. So unanimously we make the decision.

So the Senator is saying to us you take the responsibility and tell the Judiciary Committee to fire three so they might be hired on another committee. I do not think you would want to do that. Even in private business it is kind of tough to do that. What we are seeing here is that we are $5 million less in this budget for the committees than if we had just taken inflation. Think about that now. That is a pretty good record, and then it is almost $15 million less than the funds appropriated.

Now you want to squeeze some more. If you look there, for about 6 years, it was stagnant. We did not do anything. We did not have a bubble in the committees, and we got it down just about as narrow as we could.

We have created an incentive in the piece of legislation. It says to those committee chairmen, if they save money, they can keep 50 percent of it in the first year to improve the efficiency of the committee. That not only saves money, but it gives them an opportunity to use it to make their committees better. We have used the moneys saved to reduce the amount of money that was appropriated, and yet we find, or I do, boy, you just cannot do anything right, but we will do the best we can. But we have saved money. We have tried to accommodate the chairmen and ranking members, and for the 19 committees, 19 Democrats and 18 Republicans agreed on what they wanted before the Rules Committee. We did not give them everything they asked for.

So it gets a little bit tough to try to accommodate my colleagues. We work as hard as we can; we think we begin to have a downturn. I said earlier the economic condition out there is not as good as it ought to be. So you are going to get more requests. You are going to have more unemployment. You are going to have more welfare. You are going to have all these, and when the economy is bad, the pressure on this body is increased because you have more casework to do, and trying to be as frugal as we can, being well under the appropriated funds. I do not want to take the responsibility of saying to the committee you fire people so another committee can have it. The committee chairmen can do that and they can be frugal, they can reduce their staff, like I do in my office and I am sure you do in yours, but then you are saying to the Rules Committee, you tell a committee to fire people so we can give them to somebody else, that disturbs me.

Madam President, I reserve the remainder of my time.

Mr. CHAFEE. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Rhode Island has 10 minutes. The Senator from Kentucky has 2½ minutes.

Mr. CHAFEE. Madam President, the point is that committee staffs keep growing. I do not think we can have it both ways. If we are having more committees—Veterans' Affairs, Elderly, Intelligence, Indian Affairs, Budget—I do not think we can say that by having five more committees, and I have just named those five, that we have not reduced the workload of some of the other committees; then something is wrong somewhere. I cannot believe that no attention was given to the elderly, no attention was given to Indians, no attention was given to veterans, no attention was given to the budget under the prior system.

So as we had more committees and more staff for those committees, clearly the workload of the other committees, existing prior thereto, was reduced. I think that makes common sense.

The next point, Madam President, is, just look at the total. In 1950, 300 staff; in 1970, 647; and in 1990, 1,203, four times as many as there were in 1950. By the way, I think in 1950, they were putting through some extraordinary legislation—the Marshall plan, getting ready for Medicare, for example; a whole series of programs.

How are we going to stop this? The distinguished chairman of the Rules Committee said we are throwing him a hot potato. We are asking him to tell some committee to fire people because a legitimate cause has been made for added employees in another committee. It does not quite work out that way because there are vacancies. Actually there are 1,108 people on the staff now, or there were as of December 31. So there are vacancies. These positions

are not always filled. I think he envisions horrors that just are not there.

And so when there comes along a surge, it seems to me it can be handled by making them temporary positions, saying to the chairman, "All right, you have a whole series of judges that you have to get ready for," or "We have expanded the number of circuit court judges, and thus you are going to need more investigations, background checks, and so forth, that is this year. And you can have eight more employees, but they are not permanent. And, Mr. Chairman, you better plan for that." And people can plan for these things.

So I urge my colleagues to support this amendment. What a signal it would send to the country. What a wonderful signal. Here we are saying to everybody, you have to be thrifty, cut back; we are trying to balance this budget; we are trying to reduce the deficit. Here is a chance to do something about it. Here is a chance to take a special step, and it is not that painful. It just says we are going to stick by the number of positions, authorized positions, not filled positions, that we have currently. We are not going to increase this year, nor the year after.

I reserve the remainder of my time. If there is nothing further, I will be prepared to yield back my time.

Mr. FORD. I would like to make one statement, if I may.

Madam President, I make one point. We have in this budget almost $6 million less than if we had followed inflation the last 10 years. I am not sure of the exact figure. I have said we are approximately $15 million—approximately 12, 13, 14, somewhere in that neighborhood—less than the amount appropriated. We are under the gun. We are saving money. We have been doing that for some time.

I do not mind hot potatoes. I have been in battles about as long as the distinguished Senator from Rhode Island; handled the Governor's chair, and other things. The Senator made decisions as Secretary of the Navy. I had to take hot potatoes.

But I hate to be put in the place that I am told to tell a chairman you have to eliminate staff; we are telling them how to run their offices, committees. We are getting to the point around here where we cannot even make a judgment ourselves.

If we had passed the other amendments of today, we would have gotten into what we could do in our offices, what we could do in our committees.

Our responsibility, as I see it, Madam President, is to those we represent. If we do not do a good job, we answer to them.

The ranking member and the chairman make these decisions, and we ought not make it for them. I suspect they will exercise their judgment here shortly and they will say we do not want anybody telling us how to run our committees, we want to run our committees as we have been.

One of the committees the Senator is on, I say to my friend from Rhode Island, has asked for an increase. We think it is long overdue. We think they should have had it before. They have struggled and struggled. You get to the point where you are not doing quite as good a job as you ought to do because when you ask staff to stay up day in and day out for 3 or 4 days and sleep on the couch in the office, I do not think you are doing the staff right and they are not doing you right because they do not have the time to make good judgments.

So I am ready to yield back my time. When the Senator from Rhode Island yields back his time, I will move to table the amendment.

Mr. CHAFEE. Madam President, I find the remarks by the distinguished chairman of committee discouraging in a way because, in effect—and he can contradict me if I am wrong—what he is saying, when he says that he does not want to go to any chairman and tell him he does not have to lay off people, is that committee staffs will not be reduced, no committee staff will ever be reduced.

I just cannot follow that. As I mentioned before, these things are cyclical. There are surges. There are times when one committee is extremely busy and times when it is not. But to say these large committees under no condition can be reduced, and, indeed, if you can believe it, one of them is being increased, I must say that dazzles me.

Mr. FORD. Will the Senator yield on that point just a minute? If the Senator has been dazzled, I can dazzle the Senator a little bit more.

Mr. CHAFEE. I may not be able to stand it.

Listen to this one. There are 12 A committees. Of those 12 A committees, 41 percent of the staff is on 3 committees—41 percent of the staff is on 3 of those committees: Judiciary, 138; Government Affairs, 124; Labor, 124. Fifty-nine percent of the staff goes to the remaining nine committees.

The thing is out of kilter. Nobody would suggest that the Labor Committee, the Governmental Affairs Committee, and the Judicial Committee have that big a load. And so if they want more people, if they want to grow in these other committees that we have mentioned, such as the Finance Committee, which needs additional people, there is a place to take them.

So I hope we would agree to this limitation of the total number of positions. It is not painful. I am not going back to 1970. I am not going back to 1950. I am not even going back to 1989. I am taking 1990, what we have now. I am saying that is enough. Let us blow the whistle. Let us do something about saving money around here. Let us set an example right here in the U.S. Senate in these committees; 1,203 positions for our committees is hardly a minuscule amount of assistance.

I am prepared to yield back my time if the distinguished chairman is so prepared.

Mr. FORD. I am not going to let the Senator have the last word until I run out of time.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. FORD. I do not have to yield back my time. I am through.

Mr. CHAFEE. Madam President, there it is. I have outlined it to the best of my ability. I very strongly believe here is a chance to strike a small blow. Small though it might be, I think it is indicative to the rest of the country we are trying here. We who pass on other people's budgets say you have to stay within this category; if you want an increase to help poor children, you have to take it from some other item within that category. And so in the same way we are saying here let us keep these positions at the current level.

Mr. STEVENS. Will the Senator yield for 30 seconds for a question?

Mr. CHAFEE. Yes.

Mr. STEVENS. We do not have any time.

The Senator did change the original amendment from those employed by the committee to those authorized by the committee.

I apologize for my comments. But the amendment the Senator offered was different from the one that was delivered to our office. I do apologize.

Mr. CHAFEE. All right. We are talking about those that are authorized. If there are vacancies, we are not saying to some committee that has vacancies, you were thrifty, you did the right thing in not filling these positions for the Budget Committee, for example, you cannot fill them later. We did not punish those committees under this amendment.

Madam President, I am prepared to yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. FORD. Madam President, I move to table the amendment submitted by the Senator from Rhode Island.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FORD. Madam President, I move to table the amendment of the Senator from Rhode Island, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Rhode Island. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] and the Senator from California [Mr. SEYMOUR] are necessarily absent.

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

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—55

Adams	Glenn	Moynihan
Akaka	Gore	Nunn
Baucus	Graham	Packwood
Bentsen	Harkin	Pell
Biden	Hatfield	Pryor
Bingaman	Heflin	Reid
Boren	Hollings	Riegle
Breaux	Inouye	Robb
Bryan	Johnston	Rockefeller
Bumpers	Kennedy	Sanford
Burdick	Kerrey	Sarbanes
Byrd	Kerry	Sasser
Daschle	Kohl	Shelby
DeConcini	Leahy	Simon
Dixon	Levin	Stevens
Dodd	Lieberman	Warner
Exon	Metzenbaum	Wirth
Ford	Mikulski	
Fowler	Mitchell	

NAYS—41

Bond	Durenberger	McConnell
Bradley	Garn	Mack
Brown	Gorton	Murkowski
Burns	Gramm	Nickles
Chafee	Grassley	Pressler
Coats	Hatch	Roth
Cochran	Heinz	Rudman
Cohen	Helms	Simpson
Conrad	Jeffords	Smith
Craig	Kassebaum	Specter
D'Amato	Kasten	Symms
Danforth	Lautenberg	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	

NOT VOTING—4

Cranston	Seymour
McCain	Wellstone

So the motion to table the amendment (No. 20) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 22

(Purpose: To encourage compliance with Rule XXVI)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. DOLE, Mr. THURMOND, Mr. COCHRAN, Mr. HELMS, Mr. BROWN, Mr. SMITH, Mr. DURENBERGER, Mr. BURNS, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. COATS, Mr. LOTT, Mr. WALLOP, Mr. SPECTER, Mr. SYMMS, and Mr. MCCAIN, proposes an amendment numbered 22.

At the appropriate place add the following:

None of the expenses of any committee or subcommittee shall be paid from the contingent fund of the Senate for any hearing which has not been certified prior to such hearing by the chairman, after consultation with the ranking minority member of such committee or subcommittee, that such hearing is in compliance with rule XXVI.

TIME LIMITATION AGREEMENT

Mr. FORD. Mr. President, will the distinguished minority leader yield to me for a moment?

Mr. SIMPSON. I certainly will yield.

Mr. FORD. Can we enter into a time agreement?

Mr. SIMPSON. That is perfectly appropriate with me.

Mr. FORD. Does the Senator have a time suggestion?

Mr. SIMPSON. Thirty minutes.

Mr. FORD. Equally divided?

Mr. SIMPSON. Thirty minutes equally divided.

Mr. FORD. And no amendments?

Mr. SIMPSON. No amendments; the usual order.

Mr. FORD. The usual order.

I ask unanimous consent, Mr. President.

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

Mr. FORD. As I understand it, Mr. President, there are 30 minutes equally divided between Senator SIMPSON and myself, it is in the usual form, and there are no amendments in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Mr. President, first, I want to thank the chairman of the Rules Committee and the ranking member of the Rules Committee for what they have done. I have been here now 12 years and I have never seen a more appropriate effort to try to get a handle on staff and costs of committee expenses. They are a burgeoning item in this budget, and they continue, and they certainly have in my time here. So I think the Rules Committee has tried to be very fair. I want to say that very clearly. And I think they have been very businesslike, and I say that very clearly.

What we are talking about here is rule XXVI, and I am addressing my remarks solely to rule XXVI. We all have our Standing Rules of the Senate. It provides that "Each committee may make investigations into any matter within its jurisdiction," and that the "expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman."

It is clear, I think, that rule XXVI contemplates that committees only conduct hearings into matters within their own jurisdiction, and the policy behind that rule I think is obvious.

The committee funding resolution would spend—I think we have finally reached a figure of $114 million—in taxpayer dollars for the operation of 19 committees for 2 years. From now until February 28, 1992, the rules panel has recommended $55.9 million. Now with these millions we are spending for committee funding, I think it would be an inappropriate use of money if one committee usurped the jurisdiction of another committee for the purpose of conducting hearings. And that is the sole purpose of rule XXVI on page 35 of your Standing Rules.

We are all fully aware there will be legislation introducted that impacts upon the jurisdiction of other committees and subcommittees. But here in the Senate we have always provided a process for joint referral and sequential referrals, time limits as to how long those can remain with other committees or subcommittees under those circumstances. This amendment is merely an effort to certify compliance with rule XXVI.

I am not seeking any particular effort. There is no attempt to challenge a colleague to cite some specific evidence. I am just saying this would require a certification and the chairman could still go forward. It is much like the comity here on this floor with the majority leader and the minority leader, where we often say that "the majority leader after consultation with the minority leader" will go forward. That is common language in unanimous-consent agreements in this place.

So we are saying that we are certifying prior to the hearing by the chairman, after consultation—this is not veto, this is not approval, it is not disapproval, it is consultation—of such committee or subcommittee with the ranking minority member that such hearing is in compliance with rule XXVI. Then you simply go to that.

So that at each and every hearing if something should occur that appears to be outside the jurisdiction, then there will be a commentary, well, if you were to consult with me about that, and you could say I did. You did not agree with it but we are going to go forward, and that is all that is required.

The ranking member should not have veto power. I would not want anyone to believe that a ranking member and a ranking member alone should have veto power on the jurisdictional aspects of a committee. But certainly, he or she should have consultation with the members so that nothing more than comity is achieved.

So it requires a certification be made prior to the expenditure of taxpayer funds. This is a matter I think of fiscal responsibility, not a matter of partisanship, and it is not the desire of any of us who cosponsor this to make it a partisan issue. I would be glad to try to answer questions as to my intent, to what I am attempting to achieve by this particular amendment.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I yield myself as much time as I shall need.

I find that as we go through various and sundry committee operations and we endeavor to do the best we can, that, lo and behold, we come on the Senate floor and want to change the whole procedure. We want to make changes that are attempted to be kind of whitewashed, or painted over, that it is insignificant; it does not mean anything.

I think this is a significant change. I wish that when we had the alert in the Rules Committee, we would have done something about it then. Instead, you wait until you get on the floor and make a point of it, and we have to vote one side versus another. I was alerted to the fact that this was a possibility, but then it died last Tuesday. That is the whole sum and total of it, and that is what I was told would happen.

So now we sit here. There has been no study of what this would mean. There has been nothing debated about it. We have not tried to figure out how it would operate within the committee, if there would be any significant change.

Some of the committees have subcommittees that can do various and sundry things. I am not sure that every subcommittee has to listen to the chairman. Maybe the Investigative Committee does not necessarily need the chairman's approval to do this, so it does not apply. I think we need to look at it, and I am willing to do it.

I give those who propose this amendment my word that we will hold hearings on it. We will get down to it or we will have consultations. We will try to go through the rule.

But I hate to be told that this debate would be brought up and then after Tuesday probably nothing will happen, and the person that told me that was absolutely correct in his understanding. So after 6 years in the minority I do not know that we ever attempted to do this to the majority at that time.

So I just think that we are going a little too far here. We ought to back up. It is too early to get too partisan. We ought to just say that we have issues here that are more important than this one. This is purely a vote up or down by one side versus the other. We are off on the wrong foot.

I hope that my colleagues on the other side would look at that. We have attempted to work and work very closely, and then, all of a sudden, we get this partisan issue here that we will be forced to vote one way, and you will force your folks to vote another way. I hope it would not occur. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I yield such time as necessary to the minority leader.

Mr. DOLE. Mr. President, let me agree with the distinguished Senator from Kentucky. I think this is an important issue.

All we suggest is that we comply with rule XXVI. There may be an instance where Republicans were in the majority and they did not comply with rule XXVI, or there may be questions of jurisdiction within a committee or subcommittee. What we are suggesting is that you at least have some consultation with the minority, in this case the Republicans, just as I consult on a daily basis, sometimes weekly basis, with the majority leader. He makes decisions finally, but we have consultation, so at least there is some notice and we are appraised of what may be coming up.

So the purpose of this is to encourage compliance with rule XXVI. It has been a problem, at least some of us think it has been a problem.

There have been in the minds of some, matters outside of certain committee jurisdiction where they had a hearing in any event. There were some who would say they were not for any real purpose except for political purposes. If that is how we are going to use the taxpayers' money, for some partisan political advantage, then I think minority ought to be consulted.

As a member of the Senate Finance Committee, I would not expect that committee to be holding hearings on price support for wheat, for example. Maybe that is legitimate if we do not have to worry about jurisdiction. I guess we can have hearings on anything. But I am certain that committees, in general, have enough to do without dealing with matters outside their jurisdiction.

This is not a new or a novel concept. Rule XXVI already states that committees may make investigations on any matters within their jurisdiction. This only supplements that rule by requiring a certification by the chairman and ranking minority member of that jurisdiction.

We are trying to preserve the integrity of the committee system. It is a system that has served the Senate well and we believe that this amendment will even be more helpful.

I do not have any doubt about how the vote is going to come out. It will be a party line or close to a party line vote. And maybe if it cannot be adopted here, it can be offered to other measures that come through the Senate. There are a number of ways that we can frustrate the will of the majority if we want to stick to some of the rules as far as when committee meetings may be held and how long they may be held.

So, Mr. President, if there is some way to modify this amendment to make it satisfactory to the chairman of the Rules Committee—if it is offensive in some way, then we can maybe make some changes. But if it is just we do not want to consult the minority, we should not worry about jurisdiction, then I think we ought to have the vote; at least we ought to have the record. We will lose, but then we will try something else at a later date.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, I yield so much time as I have left to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Kentucky has 11 minutes remaining.

The Chair recognizes the Senate majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague.

First, let me say that the distinguished Republican leader and myself do consult regularly; indeed, not just on a daily basis but frequently several times daily. We frequently include in unanimous-consent requests, which subsequently, when approved, become agreements, a provision which calls for such consultation. That is not required by any rule or law. It is, I think, a matter of comity and good faith and an effort on the part of all to facilitate the business of the Senate in a way that is fair and responsible.

So I think it should be understood clearly that there is no opposition on the part of the majority to consultation and to full participation since it is done on a daily basis, voluntarily, without any requirement of rule or statute. I think it makes good sense. I think it is a good way to advance the business of the Senate in that circumstance.

As the distinguished chairman of the Rules Committee has stated, if there is some concern about the abuse of jurisdiction or the lack of notice with re-

spect to committee meetings, then that case ought to be made in the normal way that we conduct legislative business. We ought to have a hearing on it. If there is a specific complaint or concern or complaints or concerns, those ought to be heard. But I think it unwise, regarding what the distinguished Republican leader has called an important issue, to change it in any way without any hearings, without any prior discussion, without any ascertaining that is the specific concern.

I know that there was no intention to imply that there has not been proper notification or notice under rule XXVI at previous hearings. We all ought to be a frank about the fact that a hearing was held a few weeks ago in the Antitrust Subcommittee of the Judiciary Committee, which I am certain at least in part contributed to the raising of this issue.

I am advised that notice was given in accordance with rule XXVI to the ranking member. There was full notification, and so I am not certain that, if that is the concern, this amendment would have affected that proceeding in any way. I do not know enough about the proceeding to comment beyond that.

I first learned about it when the distinguished Republican leader took the floor after the hearing had been held to express his concern about it. If that is the concern, then I think we ought to know that and determine whether this is the best way to address it.

The second question arises, if that is the concern, is this something that has occurred more than once? How many hearings have been held by subcommittees and committees in the Senate, and on how many occasions is it alleged that those hearings exceeded the jurisdiction of that committee or subcommittee? Are we dealing with 1 out of 1,000 cases? Are we dealing with 100 out of 110 cases?

Those are two rather dramatic differences. No one knows the answers to those questions and, therefore, I think it appropriate that we say that there is no concern about or opposition to the process of consultation.

We all recognize, surely, as the distinguished Republican leader suggested, that the rules are such that a determined minority cannot just impede the business of the Senate; a determined minority can effectively prevent the Senate from acting. We all know that. So there has to be a certain amount of comity, good faith, trust, willingness to work together. I have tried to exhibit that in dealings with the distinguished Republican leader and to act upon that, and I think we should continue in that manner. I hope we would not proceed with this amendment now but act as the chairman of the Rules Committee has suggested. Let us have a hearing on it. Let us have discussions on it. Let us try to identify what is the cause of the problem that this amendment seeks to solve and then determine if this is the best way to do it, or if there may be perhaps some other way to do it.

But I want to emphasize that my opposition to this amendment at this time is not based on any lack of interest or desire for consultation or full and fair participation. I think that has been exhibited in the manner in which the Senate has done its business in the past 2 years. I hope we can proceed as the distinguished chairman of the Rules Committee has suggested.

I yield the floor and reserve the remainder of the time allotted to me by the distinguished Rules Committee chairman.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. I yield 3 minutes to the distinguished senior Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I rise in support of this amendment to the omnibus committee funding resolution for 1991 and 1992. As has already been explained, it would require that the chairman of a committee or subcommittee certify that a hearing is within the jursidiction of the committee or subcommittee. Unless such certification is obtained before a hearing, expenses related to that hearing will not be paid out of the contingent fund of the Senate.

Mr. President, I believe this amendment is long overdue, and I support it for several reasons. In the first place, it will help to control the costs of a committee. At a time when all Americans are tightening their belts, both personally and in business, we in the Senate should be doing the same thing. This amendment would force committee chairmen to carefully monitor their committee's business to ensure, in a very practical way, that appropriated moneys are spent only on the legitimate business of the committee.

Related to this, but of equal importance, is that this amendment will force each committee to become more efficient and to focus only on those issues that are the legitimate business of the committee. As each of my colleagues is aware, committee members and staff come to the committee either with a particular area of expertise, or they develop such expertise in the course of their continued involvement in committee matters. Many committee members and staff have neither the time, nor the expertise, to effectively and efficiently examine matters outside the jurisdiction of the committee. Moreover, time spent on matters not within a committee's jurisdiction takes away from time that could be spent pursuing legitimate committee business.

Finally, in accepting this amendment we are ratifying the organizational structure of the Senate committees and the accompanying Senate rules. Committee structures have been established, in part, so each Senator can focus more particularly on certain areas of concern. Unless we are willing to create mechanisms that ensure the jurisdictional boundaries of the committees, we might as well do away with them. This amendment guarantees, at least as to our committee work, that our time, energies, and moneys will be spent on issues appropriately within the jursidiction of the committees on which we serve.

Mr. President, I urge all my colleagues to carefully consider this amendment, and to affirmatively support its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I have listened with intent and interest to the debate of the chairman of the Rules Committee and the majority leader. I hear clearly what they are saying.

It is not the intent to set some tone of partisanship here. I would be, as the principal sponsor of the amendment, amenable to the assurance, which we will have rendered, that there would be hearings on this issue.

We can discuss this issue with people there who are the most vitally interested, the chairmen and ranking members, to see what they feel about the implementation of rule XXVI.

I would be glad to express that proposal and ask our ranking member of the Rules Committee to perhaps take a minute of time.

Mr. FORD. Mr. President, I yield myself 1 minute.

I want to say I thank my colleague and counterpart here, if I can use that term. I look forward to a hearing. No one has been any fairer and worked any harder than the distinguished Senator from Alaska. We have gotten along very well. I appreciate what the Senator is doing here. I will be glad to work and listen to my colleague.

Mr. President, we are ready to finish up.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. SIMPSON. I yield to the Senator.

Mr. STEVENS. Mr. President, I too, have heard the offer of hearings on the subject. I have been visiting, off the floor, on the whole question of what happens with regard to consultation. I think we have excellent consultation at the leader level and particularly, on the Rules Committee. I cannot ever remember a time when the chairman scheduled a hearing without first asking if the date was convenient with me.

I think we need to build into the system a recognition of this consultation objective to explore a solution off the

floor. We cannot really do that as easy here on the floor as we can in committee.

I am pleased to join with the distinguished chairman of the Rules Committee in offering to explore this subject and see if we can report back to the Senate something that will reassure the Members, on both sides of the aisle, that consultation will take place.

If this amendment comes to a vote and we support the majority leader, and the control swings to this side, we will be reminded we voted for this mission. Let us resolve this issue in committee in a way that will not have lasting partisanship in the Senate. I do hope we proceed to solve the problem in committee.

Mr. FORD. Mr. President, I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, as the majority leader has acknowledged this amendment may have been prompted by a hearing held in my subcommittee some time ago. With respect to the issue of rule XXVI and with respect to issues of comity and cooperation—I want to make the record clear in this case.

A hearing notice was sent to each member of the committee 1 week prior to the hearing, as is required. In addition, 7 days prior to the hearing, a full briefing on the topic of the hearing was conducted—a briefing which raised all sentsitive issues right up front.

Staff from every subcommittee member on the Republican side were present at this briefing. The staff report and every document used in preparation of that report were available to committee staff for review 2 days prior to the hearing.

No Senator's office raised any objections to any documents which were to be included in the RECORD.

No Senator's office suggested that any particular witness be called before the committee nor was it suggested that any witness was treated unfairly in the staff report. Senator THURMOND'S office, as the ranking Republican member, did suggest a minor change in the title of the report, which we altered at their request.

It is a standard practice, as every Senator knows, that when the majority calls a hearing, the minority staff is briefed in advance and has the opportunity to suggest changes in the format or to call minority witnesses. That procedure was followed in this case, and the minority failed to raise any concerns or suggest any changes.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the amendment previously proposed by me be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be withdrawn.

The amendment (No. 22) was withdrawn.

Mr. SIMPSON. Mr. President, I thank very much the chairman of the Rules Committee and the majority leader for their comments and insight with regard to this situation. I think we are really aware of what we are trying to achieve. I thank them for it.

Mr. FORD. Mr. President, I do not know of any other amendments.

Mr. STEVENS. Will the Senator yield? I have no knowledge of any amendments on this side, and we are prepared to agree there be no more amendments.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the resolution.

Mr. FORD. Mr. President, we are being asked for a rollcall vote now. So we will have to do that. Let us withhold the consideration of the resolution.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the resolution, Senate Resolution 62. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from California [Mr. SEYMOUR], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

The PRESIDING OFFICER (Mr. LAUTENBERG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—72

Adams	Ford	Lugar
Akaka	Fowler	McConnell
Baucus	Garn	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Boren	Graham	Nunn
Bradley	Harkin	Pell
Breaux	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Riegle
Burdick	Heinz	Robb
Byrd	Hollings	Rockefeller
Cochran	Inouye	Roth
Cohen	Jeffords	Rudman
Danforth	Johnston	Sanford
Daschle	Kassebaum	Sarbanes
DeConcini	Kennedy	Sasser
Dixon	Kerrey	Shelby
Dodd	Kerry	Simon
Dole	Lautenberg	Specter
Domenici	Leahy	Stevens
Durenberger	Levin	Thurmond
Exon	Lieberman	Warner

NAYS—22

Bond	Gramm	Nickles
Brown	Grassley	Pressler
Burns	Helms	Simpson
Chafee	Kasten	Smith
Coats	Kohl	Wallop
Conrad	Lott	Wirth
Craig	Mack	
D'Amato	Murkowski	

NOT VOTING—6

Cranston	Packwood	Symms
McCain	Seymour	Wellstone

So the resolution (S. Res. 62), as amended, was agreed to, as follows:

S. RES. 62

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1991 and 1992".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1991, through February 29, 1992, in the aggregate of $55,873,148, and for the period March 1, 1992, through February 28, 1993, in the aggregate of $58,069,231 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant of Arms, United States Senate, Department of Telecommunications, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contin-

gent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,981,783, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,054,457, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,879,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,058,867, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,024,631, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,143,243, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,253,043, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,374,143, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,526,693, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to ex-

ceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,930,949, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,844,527, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,701,485, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,804,715, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,461,745, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,559,803, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,774,561, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,891,437, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,056,605, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,267,105, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee

(under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,979,958, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,171,893, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,361,330, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,595,597, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, includ-

ing holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,521,403, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with this jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,047,108, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,094,447, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,202,351, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,252,528, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, as amended, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,213,792.

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,239,556.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,356,636, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,453,497, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,239,193, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,284,371, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL RESERVE

SEC. 22. (a) Of the funds authorized for any Senate committee by Senate Resolution 66, agreed to February 28, 1989, as amended, for the funding period ending on the last day of February 1991, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which shall not be less than the following amounts for the following committees:

Agriculture, Nutrition and Forestry ($29,632);

Appropriations ($300,000);

Armed Services ($179,000);

Banking, Housing and Urban Affairs ($500);

Budget ($278,606);

Commerce, Science and Transportation ($307,138);

Energy and Natural Resources ($221,948);

Environment and Public Works ($140,000);

Finance ($48,130);

Foreign Relations ($817,853);

Governmental Affairs ($405,435);

Judiciary ($146,790);

Labor and Human Resources ($94,136);

Rules and Administration ($120,791);
Small Business ($87,683);
Veterans' Affairs ($1,000);
Aging (Special) ($39,587);
Intelligence (Select) ($189,745); and
Indian Affairs (Select) ($0).

The reserve shall be available to such committee for the period commencing March 1, 1991, and ending with the close of September 30, 1991, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1991, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1991.

SEC. 23. (a) Of the funds authorized for any Senate committee by this resolution for the funding period ending on the last day of February 1992, any unexpended balance remaining after such last day shall be transferred to a special reserve for such committee, which shall not be less than the following amounts for the following committees:

Agriculture, Nutrition, and Forestry ($14,816);
Appropriations ($150,000);
Armed Services ($89,500);
Banking, Housing, and Urban Affairs ($250);
Budget ($134,315);
Commerce, Science, and Transportation ($145,760);
Energy and Natural Resources ($105,253);
Environment and Public Works ($70,000);
Finance ($24,065);
Foreign Relations ($408,926);
Governmental Affairs ($194,935);
Judiciary ($73,395);
Labor and Human Resources ($32,068);
Rules and Administration ($58,551);
Small Business ($40,344);
Veterans' Affairs ($500);
Aging (Special) ($29,000);
Intelligence (Select) ($92,884); and
Indian Affairs (Select) ($0).

The reserve shall be available to such committee for the period commencing March 1, 1992, and ending with the close of September 30, 1992, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1992, and (2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1992.

STATE EQUITY

SEC. 24 (a) Congress finds--

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in the performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

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

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I thank all of my colleagues for their cooperation. I thank my distinguished friend, Senator STEVENS from Alaska, and I thank the staff on both sides. We have worked very well together, and I think that it was displayed here. So I thank the staff, as well as my colleagues, for a wonderful job.

No staff person works any harder than the individual on the committee that develops the budget for the chairman and the ranking member. They work hard at it. I compliment them, and I thank them.

I yield the floor.

COMMENDING HAL H. BRAYMAN

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order to immediately consider a Senate resolution I submitted earlier today, commending Hal H. Brayman for his service to the U.S. Senate.

I send the resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 67) commending Harold H. Brayman for his service to the country and to the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, today after nearly 22 years of service to this institution a valued staff person retires from public service. Hal Brayman's service to this institution is indeed remarkable. His commitment to public policy and his untiring effort these many years to help many of us around here produce good legislation, particularly in the area of water resources and public infrastructure, is well known.

Mr. President, I first met Hal Brayman in his capacity as a staff person on the Environmental and Public Works Committee in my first term in the Senate. Those early years working with Hal Brayman and Lee Rawls were immortalized in a book written in 1980 by T.R. Reid, of the Washington Post, entitled "Congressional Odyssey, the Saga of a Senate Bill." Hal, who had recently come to the Environment and Public Works Committee from being a legislative assistant to Senator Caleb Boggs, brought with him an unerring desire to reform the Corps of Engineers' inland waterway financing structure.

The tenacious determination of this Princeton and Columbia graduate resulted in the first user charge bill ever enacted affecting the inland waterways of this country.

The Inland Navigation Improvements Act of 1977, however, did more than just establish "good public policy." As T.R. Reid wrote:

It was the one thing I remember most from my first six years here. It instilled confidence in my ability to accomplish things up here. It helped me to become a better Senator.

For this I owe Hal a big debt of gratitude.

His work did not end there. A decade later, the Congress adopted landmark legislation, the Water Resources Act, which was crafted by Hal through the Water Resources Committee which I chaired at that time. This statute completely reformed the Corps of Engineers' water resource programs. He has been one of the leaders in developing the concept of environmental infrastructure bonds as a way to address needed infrastructure investments.

In addition, in his capacity as a professional staff member of the Environment and Public Works Committee he worked on all the major environmental laws of the 1970's and 1980's. He has worked on transportation legislation, the Clean Air and Clean Water Acts, and the major resource conservation laws.

More recently he has been directly involved in helping to find ways to reform our campaign financing mechanisms.

Hal's nearly 16 years on the Environment and Public Works Committee, and these last 5 years on the Budget Committee has brought him in contact with many of my current and former fellow Senators. I know they and all his friends and fellow staffers join me in wishing him health and continued success in a well deserved retirement from the Senate. I can only believe that he has left his mark on public policy, and fortunately for the country, I believe we can all agree that it was and is a good mark.

I note that Senators MITCHELL, DOLE, SASSER, and others have cosponsored this. I think that is an indication of what Hal Brayman, who served here for 22 years, has meant to this Senate, the Environment and Public Works Committee, the Budget Committee for a litany of accomplishments and service.

He is going to leave us and take a bit of a sabbatical and perhaps bicycle across America, and he will come back and decide what he wants to do. He has a lot of life left in him.

This resolution details what he did for this institution called the Senate. It should be obvious from it that many Senators were served by him and helped by him.

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The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 67

Whereas Hal Brayman has served the Senate as a member of the staff on the Committee on the Budget, the Committee on the Environment and Public Works, and the staff of former Senator J. Caleb Boggs for nearly 22 years;

Whereas Hal Brayman has served the Environment and Public Works Committee from 1970 through 1986;

Whereas Hal Brayman served as the assistant staff director of the Environment and Public Works Committee from 1981 through 1986;

Whereas Hal Brayman has served as special adviser to the ranking Republican member of the Committee on the Budget from 1986 through 1991;

Whereas Hal Brayman has distinguished himself as a leading expert in federal water resources and public infrastructure policies;

Whereas Hal Brayman has carried out his duties and responsibilities with the highest degree of professional integrity and dedication to service; and

Whereas Hal Brayman has earned the Senate's affection and esteem: Now, therefore, be it

Resolved, That Harold H. Brayman is hereby commended for his faithful and exemplary service to his country and to the United States Senate.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period of morning business in which Senators might speak up to 5 minutes.

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

COMMENDING PRESIDENT BUSH, NORMAN SCHWARZKOPF AND COLIN POWELL

Mr. D'AMATO. Mr. President, today, I sent a letter to our President, President Bush, and I would like to share the contents of that letter with the body, because I think that it probably expresses the feelings that many of us have at least considered or thought about in a number of avenues. So let me read it:

WASHINGTON, DC,
February 28, 1991.

Hon. GEORGE HERBERT WALKER BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Every American today salutes you and the brave men and women who have fought and sacrificed so much for peace and freedom in the Persian Gulf. Your leadership and their courage have been an inspiration to all of us.

There has been no five-star general of the armed forces since Omar Bradley passed away. I believe it is now time to honor two great Americans, Colin Powell and Norman Schwarzkopf, for their brilliant leadership of our men and women in the Gulf. Truly they are American heroes worthy of this rare honor.

Mr. President, words are insufficient to express my admiration for your leadership in this crisis. From rallying the diverse and often fractious world community to bringing the people of this great country behind our cause, you have been remarkable. All Americans owe you a debt of gratitude for your resolute pursuit of a just peace. Thank you very much.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

I shared that with the body, Mr. President, because I believe that, No. 1, there is a grateful body, not only here but in our country, who feel so strongly about the incredible job that our President has done and second, who have come to feel that they know both Colin Powell and General Schwarzkopf and admire them for the great work that they have done in leading our forces. Certainly, it would seem to me that a rank of five-star General today would be something that both of these great Americans should be considered for. That is why I wanted to share this message with the body.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

COMMENDING THE PRESIDENT AND THE MILITARY ON DESERT STORM SUCCESS

Mr. DOLE. Mr. President, I have discussed the next proceeding with the distinguished majority leader. I am going to send a resolution to the desk commending the President, the field commanders, the troops, and the Secretary.

I am going to ask that the resolution I send to the desk be read. I am sending it to the desk on behalf of myself, the distinguished majority leader, and Senators PELL, HOLLINGS, KOHL, BOREN, DODD, REID, and, I assume, others may want to become cosponsors.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

S. CON. RES. 13

Whereas United States and coalition armed forces have achieved remarkable success in totally defeating Iraqi military forces and ousting them from Kuwait.

Whereas these historic accomplishments have been achieved at an astoundingly small loss of life and number of casualties among American and coalition forces.

Whereas to date 185 Americans are known to have been killed (including 79 in combat), 302 wounded (including 212 in combat), 34 missing in action, and 9 taken by Iraq as prisoners of war.

Whereas an unknown number of Kuwaiti civilians have reportedly been seized and removed to unknown locations by Iraqi armed forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

1. The Congress applauds and expresses the appreciation of the nation to:

(a) President Bush, Commander in Chief of all American armed forces, for his leadership during Operation Desert Storm.

(b) Secretary of Defense Dick Cheney, Armed Forces Chief of Staff Colin Powell and Desert Storm Commander Norman Schwarzkopf, for their planning and implementation of Operation Desert Storm.

(c) All of the American forces deployed in the Persian Gulf region, who have served and succeeded in the highest traditions of the armed forces of the United States.

(d) All of the forces from our coalition partners, who served with distinction and success.

(e) The families of American service men and women participating in Operation Desert Storm, who have bravely borne the burden of separation from their loved ones, and staunchly supported them in this crisis.

2. The Congress notes with deep sadness the loss of life on all sides in Operations Desert Shield and Desert Storm. The Congress particularly salutes those brave young American men and women who have made the ultimate sacrifice in the service of their nation and in the cause of peace, and sends its deepest condolences to their grieving families.

3. The Congress demands from Saddam Hussein:

(a) The immediate release of all prisoners of war held by Iraq.

(b) A complete accounting for all American and coalition forces listed as missing in action, or otherwise unaccounted for.

(c) The immediate and unconditional release and return to their homes of all Kuwaiti citizens being held by Iraqi forces.

4. The Congress urges all relevant authorities to seriously examine the issue of possible war crimes by Saddam Hussein and other Iraqi military leaders and forces, and to hold Iraq responsible in principle for reparations for the incredible destruction caused by its brutal invasion and occupation of Kuwait.

Mr. DOLE. Mr. President, I rise in support of the Dole-Mitchell resolution, which commends President Bush and the Armed Forces for the success of Operation Desert Shield.

Now that the war in the gulf is won, America and this body will soon turn their attention to winning a just and lasting peace in the Middle East.

Before we do, I think it is very important that this body go on record in praising all those responsible for the historic accomplishments of Operation Desert Shield and this resolution does just that.

It salutes the leadership of President Bush, our Commander in Chief.

It salutes the remarkable abilities and teamwork of our military leadership—Secretary of Defense Cheney, Armed Forces Chief of Staff Colin Powell, and Desert Storm Commander Norman Schwarzkopf.

It salutes the courage of the 500,000 American men and women who served

and succeeded in the highest traditions of the Armed Forces.

It salutes the contributions of our coalition partners.

It salutes the families of our soldiers, who have bravely borne the burden of separation from their loved ones.

It salutes those who made the ultimate sacrifice for their country and for freedom—the American soldiers who lost their life.

This resolution also puts this body on the record in demanding that Saddam Hussein immediately release all prisoners of war, as well as all Kuwaiti citizens held in Iraq, and that he provide for a complete accounting of all American and coalition forces listed as missing in action.

Every Senator, indeed every civilized nation, has been repulsed by the behavior of Saddam Hussein. And this resolution also contains a provision urging all relevant authorities to seriously examine the issue of possible war crimes by Saddam Hussein and other Iraqi military leaders, and to hold Iraq responsible in principle for reparations for the incredible destruction caused by the brutal invasion and occupation of Kuwait.

Mr. President, I am proud to sponsor this resolution with the distinguished majority leader, and we both urge its speedy adoption.

Mr. President, I ask unanimous consent that all of my Republican colleagues be made cosponsors of the resolution.

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

Mr. FORD. Mr. President, I ask unanimous consent that all Democratic Senators be included as cosponsors of this resolution.

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

Is there further debate? If not, the concurrent resolution (S. Con. Res. 13) is agreed to and the preamble is agreed to.

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

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

The motion to lay on the table was agreed to.

NATIONAL DAY OF PRAYER AND THANKSGIVING

Mr. DOLE. Mr. President, on behalf of Senator COATS, I send a joint resolution concerning a day of prayer to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 83) concerning a national day of prayer and thanksgiving.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Is there further debate?

Mr. FORD. Mr. President, I ask unanimous consent that my name be added as cosponsor.

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

If there is no further debate, the joint resolution (S.J. Res. 83) will be deemed having been read the third time and passed and the preamble agreed to.

The joint resolution with its preamble is as follows:

S.J. RES. 83

Whereas the United States responded decisively to the crisis in the Middle East created by the invasion of Iraqi troops into Kuwait and the unlawful annexation of that sovereign state by Iraq;

Whereas a worldwide coalition was forged to preserve international order and stop Iraqi aggression;

Whereas President Bush pursued his strategy against Iraq with foresight and purpose from the moment Kuwait was invaded;

Whereas our military leaders planned their campaign on air, land and sea, with innovation and precision;

Whereas American troops have served bravely in the Middle East at great personal risk in the defense of freedom;

Whereas we have seen a stunning triumph of American leadership, military strength and technology;

Whereas the families of American military personnel stationed in the Middle East or held captive by the Iraqi government have faced great anxiety;

Whereas the families and friends of those who have fallen bear the greatest, most tragic loss of all;

Whereas Americans have traditionally recognized the importance and strength derived from prayer at such a difficult time;

Whereas our Nation has always trusted in a Providence which vindicates the oppressed and defends the right: Now, therefore, be it

Resolved, That the President of the United States declare a national day of prayer and thanksgiving to express our gratitude for the heroic efforts of our troops and to offer our thanks to God, the ruler of men and nations, the source of justice, and the author of true peace.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

LIBERATION OF KUWAIT

Mr. THURMOND. Mr. President, today is a proud day for America. It is an occasion for joy and celebration, a time to give honor to our President and our troops, and a time to say a prayer of thanksgiving for the triumph of law and sanity over the forces of chaos and oppression. It is also a time to remember with both grief and pride those who made the supreme sacrifice in the service of our Nation, and to offer comfort to their families.

In addition, today gives us a chance to reflect upon the whirlwind of events which have taken place over these last weeks and months. On August 2, 1990, Saddam Hussein forcefully invaded, occupied, and annexed his peaceful neighbor nation of Kuwait. The world stood by in shock as Iraqi forces brutally subdued Kuwaiti resistance and established a reign of terror which continued unabated until recent days.

President Bush responded to this unprovoked action against our friend and ally without hesitation. He sent military forces into the region to halt further aggression by the Iraqi dictators and immediately initiated an international effort to resolve the situation by diplomatic means.

With the United States leading the way, the United Nations passed 11 resolutions spelling out the international community's requirements for unconditional withdrawal. Yet Saddam Hussein refused to yield, flying in the face of both international law and the unanimous censure of most of the civilized world. Hope for a peaceful resolution of the crisis dwindled, and on November 29, 1990, the U.N. Security Council passed a 12th and final resolution authorizing use of all necessary means by the allies to expel Iraqi forces from Kuwait.

It became increasingly clear that sanctions against Iraq were not having the desired effect—indeed, Iraqi troops were becoming more strongly entrenched in Kuwait and Saddam Hussein showed no intentions of withdrawing. However, public opinion in the United States was mixed. Many groups and individuals in the Congress and across the Nation expressed doubt about the course our President was pursuing. Faced with vocal disapproval from his detractors, the President never wavered. With the moral courage and fortitude that made this Nation great, he continued to stand fast by his "line in the sand" and his goal of seeing Kuwait become a sovereign nation once more.

After an extensive and heated debate, on January 15, 1991, the Congress finally passed a resolution granting the President the latitude to enforce the Security Council's authorization of force. The world waited to see what Hussein's next move would be. It became obvious that Iraq had no intention of giving up its unlawfully gained territory, and on January 17, 1991, allied air forces began one of the most sophisticated and successful air campaigns ever executed in military history.

As events proved his choice to be wise, most Americans moved to support our President. Iraqi bombing of Saudi Arabia and of Israel—which was not even involved in the allied effort—showed the world just how much of a

threat Saddam Hussein was to peaceful people everywhere.

On the evening of February 23, 1991, U.S. marines and Army forces, in conjunction with our allies, commenced prosecution of an almost flawlessly executed ground war, effectuating a virtual rout of Iraqi forces with a swiftness and accuracy which astonished the world.

As one who has long been a supporter of our Nation's military and an advocate for a strong national defense, I find the magnificent performance of our troops in Operation Desert Storm to be deeply gratifying. Operation Desert Storm has shown the world that our American soldiers, sailors, airmen, and marines are the finest in the world. They were as well trained, and as well equipped and committed troops as this Nation has ever had; and I am proud of their fighting spirit and professionalism.

The tremendous challenges presented by Operation Desert Storm have been met with the utmost competence by our Nation's military leaders. Secretary Cheney, General Powell, and General Schwarzkopf have worked tirelessly to ensure an allied victory. Their courage, insight, and ingenuity have borne out the President's faith in them at every turn.

Last night, their hard work and dedication was rewarded with victory. The world rejoiced as President Bush ordered a cease-fire and declared that Kuwait was free once again. As the President said in his televised address, this is "not a time to gloat, but a time of pride."

Mr. President, I take special pride in noting South Carolina's contribution to the success of Operation Desert Storm. The sons and daughters of our great State played a significant role in this victory, and they deserve our most profound gratitude and admiration.

Every active military base in South Carolina has units deployed to the Persian Gulf area. Our State fielded the first Air National Guard tactical fighter group—the 169th—to be deployed to the region, and South Carolina ranks seventh in the Nation in the number of reservists called to active duty for Operation Desert Storm. I am especially proud that Gen. Chuck Horner, commander of the 9th Air Force at Shaw Air Force Base, was designated as commander of the allied air effort against Iraq. South Carolina is a State of dedicated patriots, and our forces in the gulf have performed superbly.

Mr. President, I would like to take this opportunity to express once again my deep and abiding admiration for the leadership our President has shown throughout this crisis. With the perfect vision of hindsight, it is abundantly clear that President Bush's original intent and actions were correct. It is right to refuse to yield to blind aggression, right to uphold the cause of liberty, right to oppose tyranny, and right to stand by your friends.

Today is indeed a proud day for America, and a day that will be marked in the annals of history as a victory for all for which this Nation stands. We can once again turn our thoughts and prayers to events here at home and look forward to the return of our friends and loved ones with great anticipation. God bless our Commander-in-Chief, our brave men and women in uniform, and God bless America.

OUR SUCCESS IN THE GULF

Mr. GORTON. Mr. President, with the exception of George Bush and his closest advisers, perhaps the clearest understanding of the high and worthy purpose of the war in the gulf is that of those citizens of Kuwait who suffered under 7 months of Iraqi occupation and terror. Their resistance seems to have been broad, deep, and courageous. Thousands of Kuwaitis were humiliated, tortured, or killed.

Nevertheless, many citizens of Kuwait City were able to follow the progress of their liberation through CNN. They could also see, through the same medium, protestors marching through American cities carrying signs inscribed "No Blood for Oil."

So, yesterday, it was particularly touching and appropriate, as coalition forces rolled in to liberate Kuwait City, that one group of cheering bystanders hoisted a banner inscribed, in English, "Blood for Freedom."

Kuwaitis shed a great deal of blood for their freedom; thankfully, we shed miraculously little of our own, though any American death even in so noble a cause is greatly to be grieved.

We can assert confidently, however, that those American men and women in uniform who gave their lives, those who were wounded, indeed all those who served, did so for a great and historic cause which binds them to Americans of every generation in the cause of justice, freedom, and peace.

Today we celebrate that triumph. We salute the magnificent leadership of the President and his closest advisers. We admire the awesome skills of our military planners. We recognize that the hard-earned money we have invested in our national defense not only has helped to liberate Eastern Europe and bring to an end the cold war, but that it is responsible for our success in the gulf and has saved the lives of countless Americans and others in pursuing the cause of justice, freedom, and peace in the Middle East.

We are, of course, especially proud of those who have served our cause at the risk of their own lives. They are the best and most courageous of a generation. We owe them our deepest gratitude.

And, finally, we may be reminded of the magnificent words William Shakespeare ascribes to King Henry V at the close of the Battle of Agincourt almost 600 years ago, perhaps the last example of so stunning and so one-sided a triumph. With French casualties numbered at 10,000, the King was handed a list of English dead. Henry reads, after naming four officers:

* * * and of all other men
But five and twenty.
Oh God, thy arm was here!
And not to us, but to thy arm alone,
Ascribe we all! When, without stratagem,
But in plain shock and even play of battle,
Was ever known so great and little loss.
On one part and on th'other?
Take it, God, for it is none but thine!

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93-618, as amended, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations and as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements:

The Senator from Texas [Mr. BENTSEN];

The Senator from New York [Mr. MOYNIHAN];

The Senator from Montana [Mr. BAUCUS];

The Senator from Oregon [Mr. PACKWOOD]; and

The Senator from Kansas [Mr. DOLE].

And as alternate official advisers to the above negotiations:

The Senator from Oklahoma [Mr. BOREN];

The Senator from New Jersey [Mr. BRADLEY];

The Senator from Maine [Mr. MITCHELL];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Michigan [Mr. RIEGLE];

The Senator from West Virginia [Mr. ROCKEFELLER];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Louisiana [Mr. BREAUX];

The Senator from Delaware [Mr. ROTH];

The Senator from Missouri [Mr. DANFORTH];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Pennsylvania [Mr. HEINZ];

The Senator from Minnesota [Mr. DURENBERGER];

The Senator from Idaho [Mr. SYMMS]; and

The Senator from Iowa [Mr. GRASSLEY].

APPOINTMENT BY THE CHAIRMAN OF THE FINANCE COMMITTEE

The PRESIDING OFFICER. The Chair announces on behalf of the chairman of the Finance Committee those members of the committee designated by the chairman to serve as members of the Joint Committee on Taxation for the 102d Congress:

The Senator from Texas [Mr. BENTSEN].

The Senator from New York [Mr. MOYNIHAN];

The Senator from Montana [Mr. BAUCUS];

The Senator from Oregon [Mr. PACKWOOD]; and

The Senator from Kansas [Mr. DOLE].

REREFERRAL OF S. 205 TO THE FINANCE COMMITTEE

Mr. FORD. Mr. President, on behalf of the leadership, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 205, regarding unemployment compensation, and that the measure then be rereferred to the Finance Committee.

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

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I yield myself not to exceed 8 minutes as in morning business.

The PRESIDING OFFICER. The Senator may proceed.

SCUD DEATHS

Mr. HEINZ. Mr. President, like many of our colleagues, I am happy to join the country in expressing our appreciation to the President and the Armed Forces for the spectacular job they have done in the Middle East. And for many days to come, we will rightly enjoy the parades and the homecomings that are the rewards of a just and complete victory. However, before we begin the celebrations, I must take a moment to reflect on a tragedy that has befallen us in Pennsylvania and several other States, a tragedy that is the result of an act of cowardice in the last desperate moments of the war.

Yesterday, I learned that among those killed in Saddam Hussein's last Scud attack were at least 11 young reservists from my own State of Pennsylvania, those serving in the 14th Quartermaster Detachment headquartered in Greensburg, PA, in Westmoreland County. The war may be over and the suffering in the Middle East may have been ended, but the sadness will never be gone for the families whose lives were devastated by this vicious and senseless act.

I grieve for all of those killed or injured in this attack, Mr. President, but I am a Pennsylvanian and the pain of the loss of these fellow Pennsylvanians has a special sharpness and depth for me personally. Back home, we must now face life without Steven Atherton, John Boliver, Joseph Bongiorni, John Boxler, Beverly Clark, Frank Keough, Anthony Madison, Stephen Siko, Frank Walls, and Richard Wolverton.

I wanted to honor these young men and women here today, Mr. President, but I fear that words are not justice enough for the sacrifice they and their comrades have made. And so I will make the best tribute I know to a fallen soldier, and say to their families and to the Nation: They did not die in vain.

These are painful words right now. They are difficult to say and difficult to hear. But if their deaths are not to be overlooked in the jubilation of the crushing of Iraq, then we must remember that their willingness to bear the dangers of war made the crucial difference in the defeat of so dangerous an enemy. In the next few days, none of this will be of much concern to family and friends. For now, we will bury our dead and pray for them, and comfort each other in our grief.

Nothing I can say now will mitigate that pain. But I am determined that their deaths will not be written off as part of the costs of war. And that is why I am here now, to honor not only their memory but their legacy.

What pains me most, I suppose, is that their young lives were ended by an act of craven cowardice. Indeed, Saddam Hussein, their murderer, did not even realize that he was going to strike a military target. He shot a missile into space, hoping that it would bring death to someone, anyone, on the other side.

Mr. President, he got his wish. They are gone from us now, and Saddam has added another bloody medal to his chest. His glory, however, will be fleeting, while the sacrifice made by our young troops will be lasting: Peace and security for the millions, including in the west, who would have been threatened by Saddam Hussein and his lust for power. They knew that ending Saddam's rampage was the reason they had been called to duty, and they understood the importance of that duty.

I want to share with you something that Steven Atherton's sister, Cindy, said yesterday. "He did what he had to do," she said. "Steven felt that Saddam needed to be stopped, and he believed in why he was there." I say to Cindy Atherton, and to the other families: Steven was right and we salute him and his fallen comrades. And Saddam has been stopped, thanks to them and the thousands of brave American service men and women who were willing to make the same sacrifice.

I think, however, that we should do more than honor these young people. We can, and we should, avenge them. We must be resolute in our determination that we will not rest until Saddam Hussein is either dead or standing before an international war crimes tribunal. And when we have him in the dock, we will force him to answer for this and his other despicable acts. And then we will speak not only for ourselves, but for Beverly Clark, John Boxler, Richard Wolverton, and the others killed by the last Scud of the war.

Justice will be done and there is time enough for that. But for now, let me ask that we join with the families in Pennsylvania and around the country in praying for the peaceful and just rest of our young men and women. They are the peacemakers who, as St. Matthew's Gospel tells us, shall be called the sons and daughters of God.

Mr. LOTT. Will the Senator yield?

Mr. HEINZ. Mr. President, I yield the floor. I am happy to yield to my friend from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I asked the Senator to yield for just a minute because I know all Senators and all the country share the great concern and the sympathy the Senator has expressed, and the feelings of his people there in Pennsylvania.

I have been receiving calls and comments from my State of Mississippi where people feel a particular concern and affinity for my colleague. People have told me today they would like me to do something to show their interest and their sympathy with him and for this particular group of people, the Pennsylvanians who were involved.

I just wanted to publicly state we understand how you feel, we love you, and we appreciate what these people have sacrificed in this event.

Mr. HEINZ. Mr. President, I am truly touched, and I thank my friend from Mississippi. These are my neighbors. I live very close, physically and in every other way, to these dear people.

I know, just from talking to my constituents up in Pennsylvania just a few moments ago, there are calls coming in from all over the country to the radio station, the newspapers up there. There have been reports the citizens up there want to have a monument in Greensburg to this group, to these young men and women. And they have received apparently all kinds of donations from all over the country. They never even asked.

It makes me proud, not just to be a Pennsylvanian, but proud to be an American when so many people exhibit the same sense of concern and generosity as has the Senator from Mississippi, and his constituents.

I am grateful to my friend, the Senator from Mississippi, and to all the

Mississippians and all the people in this country who have shown such great concern. They make me so proud.

At a time like this it is very consoling, not only to those of us here who have duties in the political system but most of all to the families of those who have suffered a very great loss.

I thank my friend from the bottom of my heart.

Mr. LOTT. Mr. President, I would like to proceed for 5 minutes as in morning business for the purpose of introducing legislation.

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

The Senator from Mississippi is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 534 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

TECHNICAL CORRECTIONS—HOUSE JOINT RESOLUTION 157

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 157, a joint resolution making technical corrections in correcting enrollment errors in certain acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes; that the joint resolution be deemed to have been read the third time; that it proceed to an immediate vote; that the joint resolution be passed; and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I may have to object to this, but before I do object, I would like to plead with the Senator from West Virginia, the distinguished chairman of the Appropriations Committee, a person who has been very good to me and to the State of Iowa while I was a member of that committee, that there is one portion of this bill that I object to. It deals with two lines on page 2 that repeal the Anti-Terrorism Act of 1990, which is not an appropriations matter.

I do not object to the correction of the appropriations matters that need to be corrected through a technical correction amendment. But I do object to where there is a repeal of the ATA legislation, which was signed by the President, and is law.

Particularly, I resist this effort because we are in the middle of a worldwide battle against terrorism that Saddam Hussein and his supporters have unleashed against the world. What the Anti-Terrorism Act of 1990 does is to give American victims of terrorism access to the courts of the United States for civil remedy; there is already a criminal penalty, but this law provides a civil remedy against terrorists.

It is very true that the PLO has property in this country that can be attached. The Klinghoffers of New York City have sued the terrorists responsible for the murder of their father, even before this legislation was passed. After years of litigation, a Federal court in New York ruled that they did have the right to sue. We have passed this legislation, subsequently, to make certain that these American citizens have the right to sue. And, in fact, since this legislation has been signed by the President, this legislation has been cited in an appeal in the process of this suit.

I do not wish to take away an additional tool that American citizens have in the war against terrorism. If I permit this to go through, without my being able to offer an amendment, then the ATA would be repealed. I would like the opportunity to offer this amendment.

I know that if I object, this will go through the process and we will have a chance to debate this when the bill comes up again. But I do not know why we need to wait on it, because the ATA passed the Senate without any objection, and it has been signed by the President already.

I offer that in the way of reserving the right to object. I hope that the Senator from West Virginia will see my point, accept my amendment, and send the bill back to the House. The House Appropriations Committee should not object to a nonappropriations matter included in a bill that is to make technical corrections on appropriations matters.

Mr. BYRD. Mr. President, I have no quarrel with the Senator over the substance of what he is talking about. What we have here is a situation in which the Senator, I believe, offered an amendment to an appropriations bill, and it was adopted by the Senate. It went to conference. The House would not agree to the amendment.

However, the clerk, in enrolling the bill, finally, before its going to the White House, failed to delete this language. So, through the error of the enrolling clerk, the language went to the President, language that was stricken in fact by the two Houses, and the President signed the bill with the language included in it.

What I am trying to do here today is call up the House resolution, which makes technical corrections and correcting enrollment errors in several acts. It does not go to the substance of what the Senator is talking about.

The Senator had his amendment adopted by the Senate. It went to the conference. The conference was in disagreement on it. If the clerk had not made an error, the language would never have been in the bill that went to the White House. But the clerk made the error, and the President signed the bill.

Now, what we are trying to do is to carry out the will of the two Houses and correct that error, because that is what both bodies agreed to, to drop the language of the Senator's amendment.

The Senator was lucky. He can adopt the attitude: Well, the two Houses agreed to drop my amendment, but through failure of the clerk to take the appropriate action, the language of my amendment went on to the White House anyway, so I am ahead. So, I could not care less that the clerk made a mistake. I am ahead, so we will just leave it that way.

Whereas, as a matter of fact, as I said, the two Houses agreed to drop the Senator's language. It was not the Senator's fault that the clerk failed to delete the language in enrolling the legislation. It is not the fault of the Senator from Iowa. Yet, there was a mistake. The House joint resolution now seeks to correct it.

This has happened before. The Houses have passed resolutions correcting such errors.

The Senator certainly has a right to object, and I recognize that right. In which case, then, this resolution will be referred to the Appropriations Committee.

Mr. HEINZ. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. HEINZ. Mr. President, I would like to ask the Senator from Iowa to understand that the situation we are in is one that this Senator, and my colleague, Senator SPECTER, are very sensitive to because what the Senator from West Virginia is asking for is a consideration that we have received from the House.

I think the Senator from Iowa may recollect that in the closing hours of the Senate, there was an amendment that the Senator from Pennsylvania [Mr. SPECTER]; myself; the Senator from West Virginia; and the Senator in the Chair, the Senator from New Jersey [Mr. LAUTENBERG], had negotiated with the House. It was very important to get that amendment agreed to.

The intent of the amendment was to neutralize a House amendment that there was significant disagreement with on this side of the Capitol. An agreement was reached between both the House and the Senate, and through an error, a technical error, our amendment was rendered ineffective by just one or two words that had been omitted, a strictly technical error.

The chairman of the Appropriations Committee brought this to the attention of the House of Representatives,

and the House agreed that when they sent us this technical corrections bill, even though it was to the advantage of the House and its original position and the author of the House bill, Congressman GRAY of Philadelphia, they would nonetheless, because it was clearly the will of the Senate and was what had been agreed to between Congressman GRAY and the rest of us, make the technical correction that is at the very end of this technical corrections bill as title IV. It puts, if I may say to my friend from Iowa, those of us who prevailed upon the House to make this change in a very difficult position for the Senator to ask the Senate to insist on a similar mistake being retained in the Senate and not being corrected by the Senate when the House has requested us to do so.

I do not see how we can operate in good faith with the House; I do not see how we can ask them to correct unintentional mistakes if we, when we have the opportunity to do so and when the record is clear, as my understanding is in this case, are not willing to correct a mistake that represents the will both of the House and Senate, at least as represented, as necessarily is the case, by their conferees. So I would ask my friend from Iowa, who I know is a great student of not only the political process but a great respecter of tradition here in the Senate, to consider the situation that his insistence puts us in, not just for the sake of his provision, which I understand he is totally committed to, and on substance I believe that I supported him on his provision. I think the Senate's position on the provision was very, very clear. But in this case we have an even higher principle at stake, which is when those who have been chosen, duly selected, do their duty by the Senate and by the House, make a decision and, in the process that we all depend upon, have made an inadvertent error, the principle is that there should be the right to correct that error. I hope my friend and colleague from Iowa will consider that argument, and I certainly will not be diminished in my support for his position, but I do not think this is the way for him to win his position.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has a unanimous-consent request pending.

Mr. BYRD. Mr. President, I believe that this resolution would make corrections in about four different measures: Public Laws 101-513, 101-519, 101-509, and 101-516. The Senator from Pennsylvania has just addressed himself, I believe, to the correction that needs to be made in the enrollment of Public Law 101-516.

Mr. HEINZ. The Senator is correct.

Mr. BYRD. The Department of Transportation and related agencies. Now, here again, the enrolling clerk, in this body or the other, I do not know which, made an error, or failed to make the correction. That was through no intention, of course. I am trying to get this correction made so that the two Senators from Pennsylvania will have justice done to them with respect to matters affecting their State.

As to the problem that the distinguished Senator from Iowa has, I have no quarrel with the substance. I probably voted against his amendment. I do not know whether I did or not, but I may have. He won in the Senate, but when he went to the conference he lost. The conferees would not agree to that language, and it was dropped. So because the enrollment clerks failed to delete it from the conference report and it went on down to the White House in the bill, thus not carrying out the action by the conferees, the Senator from Iowa is in a position to say, well, I lost but somebody made a mistake, they left it in the bill so I am ahead, I have the advantage, and I am not willing now to see it corrected.

The Senator can object. I hope that he will not object. Let us make the correction. Then when another bill comes to the floor, he can offer his amendment again and try again. In this case, the Senator has been placed in an advantageous position, not through some merit of his own but through a mistake on the part of the enrolling clerks in not carrying out the decision of the two Houses. He can object to this, but, as I say, I hope he will not, because this also carries with it some corrections in other measures, one of which we have just discussed and which addresses itself to problems facing the State of Pennsylvania.

Mr. GRASSLEY. Mr. President, further reserving the right to object, I would like to take this opportunity to address some of the very good issues that have been raised.

I do think that the Senator from Pennsylvania raises a legitimate point. I find no fault with his part of the bill. I understand that he wants to take care of an issue parochial to Pennsylvania because I would want to take care of those same problems for Iowa. You can have, as is the old saying, your cake and eat it, too. There is no reason my amendment cannot be adopted.

I beg the Senator from Pennsylvania to see the importance of not only getting highway money for Pennsylvania but, also, the importance of the anti-terrorism law. He would understand the high moral position that the Anti-Terrorism Act takes. The ATA is in a lot higher moral position today than it was last summer because now we have this terrorist war, launched by Saddam Hussein, that was not even an issue when we passed this legislation. We ought to give every American citizen the right in court to fight this. That is one point.

The second point deals with what the Senator from West Virginia has said. I would not take exception to anything the Senator from West Virginia has said except I would say not only do I have an opportunity here, because there is a certain advantage that he spoke about, and I do not dispute that, but also the Supreme Court has already addressed this issue.

As far as the Supreme Court is concerned, it has addressed this issue in Field versus Clark. The Supreme Court considered the nature of the evidence on which a court may act when considering whether a bill originating in Congress and asserted to become law was or was not passed by Congress.

That is exactly the issue with which we are dealing here. The holding in the case of Fields versus Clark is that "When a bill attested by the officers of each House of Congress receives the President's approval"—and not only did it receive the President's approval, it also received the approval and the signature of the President pro tempore of the Senate and Speaker of the House—"its authentication as a bill that has passed Congress should be deemed complete and unimpeachable."

That is the Supreme Court. I do not expect you to necessarily agree with the Supreme Court because you want to get your bill passed. But, as far as the constitutional law is concerned it is on our side.

Mr. BYRD. Mr. President, I do not wish to discuss the substance, as I say. I have no quarrel with the Senator on that score. But here we have four measures in which there have been enrolling errors or corrections that failed to be made. One of them visits a wrong on the two Senators from the State of Pennsylvania. That correction is also being made in this resolution.

The matter which the Senator is talking about, as I say, is a matter which went to conference. I was not a conferee. But the Senator did not win. He was not done a wrong like these two Senators from Pennsylvania. He was not done a wrong. His battle was fought in conference, and he lost. The House would not take his amendment.

As I say I was not a conferee. I did not have any voice one way or the other. But he lost his amendment. Now, because he has an advantage that has accrued to him only by virtue of the fact that an enrolling clerk made an inadvertent error and left the Senator's amendment language in, the Senator from Iowa seeks to retain that advantage—to which he is not really entitled—and at the expense of objecting to a resolution which makes other correcting errors adversely affecting other Senators.

The Supreme Court has never said that the Congress of the United States cannot pass a second law repealing its previous action. Congress can do that.

Mr. President, if the Senator wishes to object, I do not want to continue to debate the matter. He has a right to

object. I simply hope he will not so that these corrections can be made. He could fight another day on another bill that would come along. He could offer his amendment, and he might go to conference and win the next time because I believe he indicated that in the conference to which we are alluding the House had no particular objection to this language. Its objection was because it was on an appropriations bill. So he might very well win the next time around and be successful in conference.

I said all I have to say.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HEINZ. Mr. President, I know the Senator from Iowa is within his rights to object. He mentioned the issue of taking the high moral ground here, and I want the Senator from Iowa to take the high moral ground.

To my mind, the fact is that the House has made a correction that was not advantageous to the House which we asked them to make, and they sent it over as part of this bill. This is a House bill, House Joint Resolution 157. It originated in the House, and this is the text that the House sent us.

The House sent us a text which, as title 4, makes a correction that was agreed to by the conferees between the House and the Senate—in effect, the Members of interest between the House and the Senate. Through an error last year, the will of both the House and the Senate as agreed to was not, in fact, achieved. The House has in this legislation lived up to the commitment that was made by in effect the conferees, or the group of Senators.

It seems to me that if it is fair and good practice and honorable for the House to do that, then for us not to do likewise is not good practice and is not honorable.

I think the Senator from Iowa is an honorable man but he is putting the Senate in a position of taking advantage of the House on the one hand when they live up to both the letter and the spirit of an agreement between the House and the Senate by saying that, no, when the conferees on another measure made a deal on behalf of both bodies, that the Senate is under no obligation to live up to that deal.

He has a right to do that. But I have to question the judgment of any Senator who does that, and I will tell you what it reminds me of a little bit. It reminds me of somebody who is walking down the street, and an armored car drives by and the door swings open. Out falls a large bag of money that says "Property of the U.S. Treasury Department." The bystander, who is an otherwise honorable person, looks at it, says yes, U.S. Treasury Department, yes, that was an armored car, probably going from the Federal Reserve Bank to some other depository. He simply picks that bag of money up, puts it in the trunk of his car, and goes right on home.

Mr. President, it is not a crime to do that. But all of us know that it is not right to do that. You are taking advantage of somebody else's misfortune.

If I find a dollar on the street, I do not know who it belongs to, I guess I can pick it up and put it in my pocket. But frankly, if I find $1 million or $1 and I know where that came from, my belief is that I am honor bound to return that property.

The property in question here is the word of our conferees. We are honor bound in this body, I believe, to return to the intention of the conferees the law as it should have been written, but simply by happenstance, by accident, just as the door on the back of a truck swung open and some money fell out by accident in front of the bystander, we are obligated to restore to the loser the loss which was unintended and unintentional. Otherwise, how can anyone trust us in the future?

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. SPECTER. I ask my distinguished colleague to yield to me for a question to him.

Mr. BYRD. Yes. I will do that shortly.

Let me ask the distinguished Senator from Iowa which of the public laws he is referring to?

Mr. GRASSLEY. Of the bill before us, it is Public Law 101-519, paragraph 132.

Mr. BYRD. That is the military construction appropriations bill.

Well, the Senator has certainly exercised his right. He has had a stroke of luck. And I can see that he wants to retain the advantage. But I say to the Senator, there is no ill will on my part.

Yet, I am reminded of the king of Lydia, whose name was Croesus. The king of Persia was Cyrus the Great. Cyrus was king of Persia—actually he became king of the Anshans in 559 B.C. And he subjugated the Medes in 550. So he reigned as king of all Persia from 550 to 530 B.C.

King Cyrus decided that he wanted to go to Scythia, go against the Scythians and wage a campaign against them. The king of Lydia, whose name was Croesus, and who had been subjugated by Cyrus, was asked by Cyrus as to his opinion as to whether or not Cyrus should carry on his campaign against the Scythians.

And Croesus said: Well, king, there is a wheel of fortune, and it goes round and round. And you have been very fortunate in your many battles. But the wheel of fortune will not always be favorable to the same individual.

So the Senator from Iowa has exercised his rights today. He has objected to the calling up of this resolution.

As to any personal interest, I have none in this. But as chairman of the Appropriations Committee in the Senate, I have felt it my duty to try to call up this House joint resolution, which has been adopted by the House; the House is attempting to make certain corrections in certain public laws, other than the one to which the distinguished Senator from Iowa has referred, as well as in the public law involving his amendment.

I simply say that it might be well to give up this opportunity to take advantage of a stroke of luck and try again another day, and he might win his point. But if he objects now, he not only wins, perhaps temporarily on his matter of interest, but he also hurts others—the Senators from Pennsylvania.

I yield.

Mr. SPECTER. Mr. President, the distinguished Senator from West Virginia, the President pro tempore, has enlightened us again, as he has on so many occasions, with a very lucid account of history. It might be succinctly stated that, when he talks about the wheel of fortune, what goes around comes around, and this U.S. Senate operates on comity. If any one of us choose to exercise all of our technical rights, we could very well grind the operation of the U.S. Senate to a halt.

I ask for the attention of my colleague from Iowa. It is conceivable, just conceivable, that there may one day be an issue of importance to the State of Iowa and may be of importance to the distinguished Senator from Iowa, a man with whom I have served since January 3, 1981. This event will be remembered.

But having said that, as subtly as I can, I would direct a question to my distinguished colleague from West Virginia about what happens next. As all Senators know there is no peer to the distinguished Senator from West Virginia on the procedures of the Senate. Therefore, I have inquired as to what additional procedures and remedies may be undertaken. The Senator from West Virginia has advised me that we do have recourse to put this matter into another procedural channel, and if necessary, to have a 99-to-1 vote, if the Senator from Iowa wishes to retain his position, or to have a vote however it may come out.

I suggest that where an effort is being made to have a technical correction, that if not 100 Senators, at least 99 Senators would acknowledge the correctness of our position and allow a technical correction to go through. What I would like to ask my friend from West VIrginia is to state for the RECORD how this impasse may be resolved at a later date, so that the Commonwealth of Pennsylvania will not

stand to lose any money under the highway bill.

Mr. BYRD. Mr. President, the Senate and/or the House could, at a later date, attempt to make this correction on another bill. I do not know whether either the Senate or House will do it, but I would imagine that the effort will be made.

Incidentally, now that I have been supplied with the CONGRESSIONAL RECORD of October 27, 1990, let me read just a couple of paragraphs there:

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

This was the conference report on the military construction appropriation bill, the bill to which the Senator from Iowa had attached his amendment. Mr. SASSER was managing the bill.

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate concur en bloc with the amendments of the House to the amendments of the Senate, and that the Senate recede from its disagreement on amendments numbered 30 and 31.

Mr. STEVENS. There is no objection.

No. 31 was the amendment of interest to the distinguished Senator from Iowa.

The Senator from Iowa was not there to object at that point to the motion dropping his amendment.

That was the end of it. But the clerks failed to delete the language, and it went to the White House, notwithstanding the action of the two Houses in rejecting the amendment. But the Senator from Iowa today holds the whip hand. He has objected. Therefore, we are unable today to make the desired correction in that public law, and we cannot make a correction in the other public law that is a matter of justice and concern to the two Senators from Pennsylvania.

Mr. SPECTER. Plus 12 million people from Pennsylvania.

But I think the distinguished Senator from West Virginia accurately states it. The Senator from Iowa holds the whip hand today.

Mr. FORD. Mr. President, I believe that our decision is about over, but I remind my distinguished friend from Iowa that earlier this afternoon there was almost a contentious situation as it related to an amendment to the committee funding resolution. That was worked out. It was a party problem. That was worked out in a congenial way, so that there would not be the bumps and the rough edges in the future.

I would plead, because the Senator is beginnning to spill over on me. I want to get away from here. I was supposed to get away at 6, and now it is 6:45. I hope that I do not have to recall this late night vigil here. I encourage the Senator from Iowa to yield here so that 12 million people could receive the money for their highway, and one more time, if not, I am going to encourage us to call it an evening.

Mr. HEINZ. Before the Senator puts such a question to my friend from Iowa, will he yield for a comment?

Mr. FORD. Without losing my right to the floor. I hope it will not be too long.

Mr. HEINZ. It will not be. Mr. President——

Mr. BYRD. Will the Senator yield to me for a parliamentary inquiry, so the record will be clear?

Mr. FORD. Yes.

Mr. BYRD. Mr. President, now that objection has been made to the resolutin, if that objection is now withdrawn, is the resolution now referred to the Appropriations Committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. HEINZ. Mr. President, I just want to join with the Senators from West Virginia and from Kentucky to ask that the objection be withdrawn. I do so for this reason—I hope I could have the attention of the Senator from Iowa, if I might, Mr. President—and it is this: Senator SPECTER asked the chairman of the Appropriations Committee what might happen, if this objection continued and the answer is that this legislation could be put on another bill by the Appropriations Committee and such a measure might be the supplemental appropriation that we all know is coming up next week.

I bring that to the attention of my friend from Iowa for two reasons: The first is that ultimately that appropriations will go through. I do not know when it is going to go through. It might collect a whole lot of amendments here on the Senate side. It might get so weighed down with amendments. It might be vetoed. It might take a month. It might take 6 weeks for appropriations to go through, but it will eventually go through, and I have no doubt that this legislation if it were appended to it, would also be adopted by the Senate and by the House and as a result the Senator from Iowa will not attain his objective. But tell me what he will succeed in doing.

The road building season is coming up in our State. The provision that as a result of his objecting to this which we try and cure will still be in the law. Under that provision, which was unintended, the highway funds for Pennsylvania will be withheld. The result is that our road building will be prejudiced and it will not start on schedule. We will lose highway money, and the Senator from Iowa will be unable to restore that loss and his position will not prevail.

Mr. President, I do not understand the sense of that. It makes no sense to me.

Second, I suggest to the Senator from Iowa that he puts himself, I think, in a very untenable position, as I have said before.

I thank my friend from Kentucky for yielding.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Mr. President, I am not going to withdraw my objection but I asked for the floor because I think the Senator from Pennsylvania ought to take a few things into consideration, too.

It is offensive to compare me with the story about the Brinks armored car.

I tried to do things the best way I know how on this floor of the Senate and what I have tried to do is get the floor tonight to offer an amendment to strike out of a bill a provision to repeal a statute that protects victims of terrorists. It gives victims access to our courts. We could have done that. I have not been given that opportunity.

This resolution would repeal a law that was signed by the President last November, regardless of how it was adopted, it is still the law, it is the law. We ought to be able to have a debate on that. That is all I have asked for is a debate and an opportunity to discuss it. Under the procedure, I was not given that opportunity.

I have seen the Senator from Pennsylvania fight and fight and fight even harder than I would fight to preserve the rights of a single Senator and there is no Senator in this body who speaks more eloquently about protecting the rights of a single Senator and the heritage of the Senate in regard to that. I have learned an awful lot about that process from the Senator from Pennsylvania, both Senators from Pennsylvania. We can take this up next week.

The Senator from Pennsylvania said that he needed to get his legislation passed within 2 weeks. We can have this debate next week and he can still get his amendment passed.

The PRESIDING OFFICER. The Senator from Kentucky retains the floor.

Mr. BYRD. Mr. President, before the Senator from Iowa leaves, if the Senator from Kentucky will allow me, has my friend thought of the fact that if his amendment now were to be added to this resolution, when it goes back to the House they will strip it off? The House has passed the correcting resolution and it is the House that wants this resolution passed. And even if the Senator could attach his amendment to this resolution, and it went back to the House, they would simply strip it off again. So he would not prevail.

The PRESIDING OFFICER. The Senator from Kentucky retains the floor.

Mr. FORD. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this discussion which should be simple and direct has now become extraordinarily complicated.

When my distinguished colleague from Pennsylvania, Senator HEINZ, made an analogy to someone who found money in the highway, there was obviously no suggestion or imputation of any disrespect to anyone, including the Senator from Iowa. That was simply an analogy and a form of argument which is made here all the time.

There is great courtesy displayed on the floor of this Senate, one Senator to another. But there are many occasions when comments were made which are much more pointed and much more personal and much tougher than the analogy which my colleague from Pennsylvania made. It was a good faith argument and in the judgment of this Senator there is no basis at all for anyone being offended by it.

When the Senator from Iowa makes an argument that the rights of victims of terrorism are more important than highway funds, I have to say to him that nothing could be more irrelevant to the issues which are pending. No one takes second place to this Senator in the fight for victims of terrorism. I work extremely hard on issues such as extraterritorial jurisdiction on kidnaping and hostage taking. In fact, it was my 1986 amendment making it a crime for a U.S. citizen to be maimed or murdered anywhere in the world. In addition, I was successful in once again adding the death penalty provision for terrorists to the Export Administration Act.

I do not know if there has already been introduced into the RECORD today the letter from the Governor of Pennsylvania to me and to my colleague, Senator HEINZ. I will quote from that letter:

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February 21, 1991.

Hon. ARLEN SPECTER,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR ARLEN: I am writing to bring a matter of critical importance to your attention which has significantly restricted the Commonwealth's transportation program.

Early versions of the FY 1991 Transportation Appropriations Bill (P.L. 101-516) contained a provision which would have reduced Pennsylvania's FY 1991 federal-aid highway program obligation authority for specific highway and bridge projects by 25 percent if, by October 1, 1990, state law was not in place authorizing either dedicated state or local revenues for transit projects.

During the evolution of the bill, a compromise was reached which would keep the effect of the original provision, but delay the time frame by one year from October 1, 1990 to October 1, 1991. The compromise also provided that the provision could be waived entirely through a combination of actions by the Governor and the State General Assembly.

Somehow in the process, both the original language and the compromise language were included in separate sections of the enacted FY 1991 Transportation Appropriations Bill. This circumstance has caused the Federal Highway Administration to withdraw 25 percent of Pennsylvania's FY 1991 highway obligation authority. This represents a $141.5 million reduction in Pennsylvania's ongoing highway and bridge program for FY 1991.

We are encourage that efforts are underway to correct this situation and restore the $141.5 million by removing the original language and retaining the compromise language through technical correction legislation. However, until such legislation is enacted to resolve this issue, we have no other alternative but to suspend spending on most new federal highway and bridge projects in the Commonwealth. The remainder of our FY 1991 highway and bridge program is being delayed. Therefore, it is crucial to the orderly continuation of Pennsylvania's highway and bridge program, that the technical correction be eneacted as soon as possible.

I wanted you to know the gravity of this situation and the importance of securing a technical correction quickly to ensure that Congresssional intent is fulfilled. As you know, I have given unprecedented support for public transportation. Pennsylvania currently ranks second in the nation in direct state financial assistance for transit. In fact, total state funding for transit has nearly tripled over the past ten years, reaching a total in excess of $500 million for the current fiscal year. This support will continue.

Your support of this corrective legislation will make possible the continuation of federal funding for Pennsylvania's highway and bridge program.

Sincerely,

ROBERT P. CASEY,
Governor.

Mr. President, as it has been explained in some great detail, this technical correction—I wish the Senator from Iowa would—I withdraw that wish because he just left the Chamber. Well, it is a matter of some regret because obviously the funding to Pennsylvania has nothing at all to do with what the Senator from Iowa sought to achieve. As the Senator from West Virginia outlined, there is no way that anyone could take advantage of this technical correction realistically to obtain the substantive change which the Senator from Iowa sought. Let it be clear that we will fight another day to correct this. I will repeat: What goes around comes around.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Hawaii.

CEASE-FIRE IN THE MIDDLE EAST

Mr. AKAKA. Mr. President, we are at a historic moment in world events. After a 5-day offensive—100 hours on the battlefield—the ground war against Iraqi's vast army has ended almost as quickly as it began.

This announcement comes as great news to all Americans. But to a certain group of Americans—those who have children, spouses, mothers and fathers stationed in the gulf—the cease-fire has a very special and profound significance.

This is an emotion-filled moment for our fighting men and women. As they cherish their victory, there is one thing that they look forward to with great anticipation. After their many months stationed in the Persian Gulf, I am certain they look forward to being reunited with their loved ones and the warm welcome they will receive from all Americans upon their return. I commend them on a job well done.

Now that the war has been won, my thoughts turn to whether we can secure a lasting peace in the troubled region of the Middle East. The success of our allied coalition on this front will be the greatest legacy this war could yield.

We also have important lessons to learn from this conflict. The United States, the Soviet Union, and other developed nations permit far too many weapons to be sold to countries like Iraq whose motives are uncertain—at best.

While the war with Iraq was an unqualified success, it is a bittersweet victory for the families of Army reservists based in Greensburg, PA, whose loved ones died when a Scud missile struck their barracks while they slept. It is also a bittersweet victory for the family of Marine Lance Cpl. Frank Allen of Waianae, HI. Their deaths are a grim reminder of the consequences of the indiscriminate sale of conventional weapons to countries eager to employ these weapons to wage war. Countries like Iraq should not be allowed to assemble huge arsenals that they use to threaten other nations. And the countries that produce these weapons, including the United States, should be forced to curb such weapon sales.

Finally, there is the question of Saddam Hussein. Saddam should be held accountable in world court for his actions. He has dismembered the nation of Kuwait, executed and tortured innocent Kuwaitis, ravaged the environment, and flaunted international laws by displaying POW's. Saddam Hussein has blood on his hands, and should be held accountable for his crimes.

I yield the floor.

THE PERSIAN GULF

Mr. PELL. Mr. President, the war in the Persian Gulf now appears to be over. It has been a stunning triumph for American arms and for the forces of our coalition partners. I would like to commend our brave service men and women who served with such professionalism and with such commitment in the gulf. All Americans salute them for their role in the liberation of Kuwait.

We are also very grateful that American and coalition casualties have proved to be extremely light. Never in history has such a major military campaign been waged with so much damage inflicted on the enemy and so few lost

by the victorious side. However, my heart goes out to the families and friends of the 79 men and women who died for our country and for freedom in Operation Desert Storm. The world deeply appreciates their sacrifice.

We also sympathize with the terrible suffering from which the people of Kuwait have now been delivered. They have endured unspeakable hardships over the last 7 months. And we should not forget Saddam Hussein's other victims: the Kurds who have been attacked by poison gas and seen their villages destroyed by the thousands.

And I would also like to offer a thought for the people and ordinary soldiers of Iraq. They too are victims of Saddam Hussein. The Iraqi people have been subject to aerial bombardment and have seen services in their cities go back nearly a century, all because of Saddam Hussein's meglomaniacal ambitions. The ordinary Iraqi soldier was a conscript, he was poorly fed and subject to fire from his own side to keep him from surrendering. He too is a victim of Saddam Hussein.

Now, however, our attention must shift to the postwar situation. We will profit little from the success of our arms if we fail now to secure the peace.

First on our list of postwar issues must be the political future of Iraq. In my view Saddam Hussein's days are numbered. He has brought unprecedented misery on his own country, first through an 8-year war with Iran that cost 250,000 dead and put his country deep into debt. Now he has brought ruin on his country's infrastructure, the destruction of his military and produced thousands of Iraqi deaths. This is a record no leader can long endure.

We should do what we can to encourage a democratic alternative to Saddam Hussein. Already there is a coalition of Kurdish, Shi'a Arab and other groups which has outlined a program for a democratic alternative in Iraq, an alternative that also guarantees autonomy for the long suffering Kurdish minority. We should encourage these efforts. And above all we should not accept the replacement of Saddam Hussein with another general from the Sunni Arab 15 percent minority who will run yet one more authoritarian Iraqi regime. The Government of Saudi Arabia is sponsoring its own alternative to Saddam Hussein. While I have the greatest admiration for our Saudi allies, theirs is not a government that knows about democracy. Their alternative for Iraq should not be ours.

Our next priority in the postwar world must be to contain the unrestrained transfer of weapons to countries in the Middle East. It is ironic that all the countries that supplied Iraq with its vast arsenal of modern weapons formed part of the international coalition against Iraq. These arms sales to Iraq may have encouraged Iraq to be more aggressive; it certainly made an aggressive Iraq more dangerous. The countries in the Middle East should be devoting their resources to their own development; it is the diversion of scarce resources to wasteful and dangerous military expenditure that is the cause of so much instability in the region.

Finally, in the postwar period we must redouble our efforts to find peaceful solutions to regional problems: the Iraq-Kuwait dispute, the Arab-Israel conflict, the civil war in Lebanon and, I would add, the legitimate aspirations of the Kurdish people.

Mr. President, this has been a great triumph for America and for the United Nations. Now we face a new challenge. I hope our policymakers can show the same courage and same professionalism that did our service men and women in the Persian Gulf.

EXECUTIVE SESSION

DEPARTMENT OF VETERANS AFFAIRS

NOMINATION OF CHARLES L. CRAGIN TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the purpose of considering the nomination of Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans' Appeals; that the nomination be confirmed; that the vote be reconsidered and tabled; that the President be notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans' Appeals for a term of 6 years.

Mr. MITCHELL. Mr. President, in Senator CRANSTON's absence, I am submitting for him the following statement on the nomination of Charles L. Cragin to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs.

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to support the President's nomination of Charles L. Cragin to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs.

The committee held a hearing to consider his nomination on February 19 and then met on February 28 and voted unanimously to report the nomination favorably to the full Senate. I believe Charles Cragin is well qualified for the post to which he has been nominated.

BACKGROUND

Mr. President, the BVA is responsible for making final VA decisions on appeals involving claims for benefits administered by VA and, thus, plays a vitally important role in the overall governmental effort to ensure that veterans, and their families, receive in an efficient, timely, and compassionate manner all the benefits to which their service entitles them. The timeliness and quality of BVA decisions, and the clarity of their reasoning, are a critical part of the claims adjudication process. The Chairman, as the one with responsibility for directing the Board's efforts, is thus a very vital link in our collective efforts to attempt to meet our obligations to the Nation's veterans.

The conflict in the Persian Gulf reminds us of how much we owe our veterans and of the need to be vigilant in ensuring that those who have marched into battle for this country—and those who have served so effectively during peacetime—are accorded a full measure of justice in their dealings with the Government. Anything less would be a default on our obligations to them and a breach of our commitment to the ideals for which so many have bravely and selflessly risked their lives.

Charles Cragin's qualifications for the position to which he has been nominated are impressive. He enlisted in the U.S. Navy in 1961 at the age of 17, and since 1964 has been in the U.S. Naval Reserve, most recently as the commanding officer of the Naval Reserve Navy Office of Information in Boston, MA. He has earned several awards and decorations in his military service, including the Meritorious Service Medal, the Navy Commendation Medal, and the Navy Expeditionary Medal for Lebanon. He currently holds the rank of captain in the Reserves.

Mr. Cragin's legal career has been quite notable as well. He received his undergraduate and law degrees from the University of Maine, in 1967 and 1970, respectively. He has practiced law in his native State of Maine for over 20 years and has been active on a number of governmental advisory committees, including the U.S. Department of Defense advisory committee on women in the services.

He has spent the last several months as a special assistant to the Secretary of Veterans Affairs, during which time he has familiarized himself with the operations of the Board of Veterans' Appeals.

Prior to Mr. Cragin's confirmation hearing, a substantial number of prehearing questions were submitted to him. In addition, he met several times with committee staff. His answers to the prehearing questions and concerns were very responsive and forthcoming, and committee staff inform me that his

meetings with them produced similar results.

CONCLUSION

Mr. President, it is obvious to me that Charles Cragin has put a great deal of effort into learning about the Board and is prepared to take on the responsibilities of the Chairman's job. I am happy to be able to support the nomination of Mr. Cragin to serve as Chairman of the Board of Veterans' Appeals, and I urge that my colleagues vote unanimously in support of this nomination.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, 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 a nomination which was referred to the Committee on Banking, Housing, and Urban Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

I transmit herewith the 1990 Annual Report on Alaska's Mineral Resources, pursuant to section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 3151). This report, containing pertinent public information relating to minerals in Alaska, was gathered by the U.S. Geological Survey, the Bureau of Mines, and other Federal agencies. This report is significant because of the importance of the mineral and energy resources of Alaska to the future well-being of the Nation.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1991.*

REPORT ON TRADE AGREEMENTS PROGRAM AND TRADE POLICY AGENDA—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with the provisions of section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 1991 Trade Policy Agenda and 1990 Annual Report on the Trade Agreements Program.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1991.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 26 proposed rescissions, totaling $4.3 billion, and one revised deferral and one new deferral of budget authority. Including the revised and new deferrals, funds withheld in FY 1991 now total $9.3 billion.

The deferrals affect International Security Assistance programs and the Department of Agriculture. The proposed rescissions affect the Departments of Agriculture, Defense, and Housing and Urban Development.

The details of the proposed rescissions and deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *February 28, 1991.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 11:31 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 55. Joint resolution commemorating the two hundredth anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

The enrolled joint resolutions were subsequently signed by the Acting President pro tempore [Mr. LEAHY].

At 1:49 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 joint resolutions, each without amendment:

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 55. Joint resolution commemorating the two hundredth anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 555) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' rights to reinstatement of health insurance, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 157. Joint resolution making technical corrections and correcting enrollment errors in certain Acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 157. Joint resolution making technical corrections and correcting enrollment errors in certain Acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes; to the Committee on Appropriations.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, February 28, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week";

S.J. Res. 55. Joint resolution commemorating the two hundredth anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BUMPERS, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 360. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

By Mr. BIDEN, from the Committee on the Judiciary:

Special Report on the Activities of the Committee on the Judiciary During the 101st Congress (Rept. No. 102-17).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DECONCINI, from the Committee on Veterans' Affairs:

Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans' Appeals for a term of six years.

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. GRAHAM (for himself and Mr. INOUYE):

S. 518. A bill to amend title XVIII of the Social Security Act to expedite the payment of claims under such title by increasing the level of interest paid on late payments to providers under such title, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 519. A bill to title II of the Social Security Act to exclude child care earnings from wages and self-employment income under the earnings test with respect to individuals who have attained retirement age; to the Committee on Finance.

By Mr. LEAHY:

S. 520. A bill to establish on a temporary basis a minimum basic formula price for the computation of Class I milk prices; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 521. A bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, and Mr. INOUYE):

S. 522. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON:

S. 523. A bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. ROTH:

S. 524. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

By Mr. THURMOND:

S. 525. A bill granting an extension of patent to the United Daughters of the Confederacy; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. SPECTER):

S. 526. A bill to extend for 10 years the patent for the drug Ethiofos (WR2721) and its oral analogue; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. CRANSTON, and Mr. AKAKA):

S. 527. A bill to provide for the partial cancellation or repayment of Perkins and Stafford loans for student borrowers who perform a year or more of full-time, low-paid service as Peace Corps and VISTA volunteers, and comparable full-time, low-paid service with a tax-exempt community service organization in the private sector; to the Committee on Labor and Human Resources.

By Mr. MCCONNELL:

S. 528. A bill to amend title V of the surface Mining Control and Reclamation Act of 1977 to assist small surface coal mine operators, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DIXON:

S. 529. A bill to amend the Equal Credit Opportuntity Act and the Home Mortgage Disclosure Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DIXON (for himself, Mr. SIMON, and Mr. DASCHLE):

S. 530. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation on regulated investment companies; to the Committee on Finance.

By Ms. MIKULSKI:

S. 531. A bill to amend the Internal Revenue Code of 1986 to exclude certain pay of the merchant marine serving in combat zones; to the Committee on Finance.

By Mr. BOREN (for himself, Mr. PRYOR, and Mr. BAUCUS):

S. 532. A bill to amend the Internal Revenue Code of 1986 to prohibit the retroactive application of Treasury Department regulations and rulings; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. KOHL, Mr. LEVIN, Mr. GORE, Mr. SARBANES, Mr. LEAHY, Mr. NUNN, Mr. REID, Mr. ADAMS, Mr. KERRY, Mr. MOYNIHAN, Mr. SANFORD, Mr. STEVENS, Mr. JEFFORDS, Mr. DECONCINI, Ms. MIKULSKI, Mr. BRADLEY, Mr. COHEN, Mr. SASSER, and Mr. AKAKA):

S. 533. A bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LOTT (for himself, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. SMITH, Mr. MACK, Mr. FORD, and Mr. LAUTENBERG):

S. 534. A bill to authorize the President to award a gold medal on behalf of the Congress to General H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PACKWOOD:

S. 535. A bill to amend section 303 of Public Law 96-451 to authorize the Secretary of the Interior to expend funds from the Reforestation Trust Fund for the reforestation of certain lands in the State of Oregon, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S.J. Res. 80. A joint resolution to proclaim the year 1992 as the "Year of Discover Florida"; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 81. A joint resolution to designate the periods commencing on December 1, 1991, and ending on December 7, 1991, and commencing on November 29, 1992, and ending on December 5, 1992, as "National Home Care Week"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 82. A joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week"; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. COATS (for himself, Mr. DOLE, Mr. THURMOND, Mr. LOTT, Mr. SIMPSON, Mr. SIMON, Mr. CRAIG, Mr. WALLOP, Mr. BROWN, Mr. JEFFORDS, Mr. BOREN, Mr. BYRD, Mr. HELMS, Mr. BOND, Mr. BURNS, Mrs. KASSEBAUM, Mr. MCCAIN, Mr. KERRY, Mr. MACK, Mr. GRAHAM, Mr. SMITH, Mr. BURDICK, Mr. DURENBERGER, Mr. REID, Mr. MURKOWSKI, Mr. LUGAR, and Mr. FORD)):

S.J. Res. 83. A joint resolution entitled "National Day of Prayer and Thanksgiving"; considered and passed.

By Mr. LEVIN (for himself, Mr. ROTH, Mr. MOYNIHAN, Mr. HEINZ, Mr. SASSER, and Mr. GLENN):

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM (for herself, Mr. INOUYE, Mr. DASCHLE, Mr. DODD, Mr. LUGAR, and Mr. MCCAIN):

S. Res. 66. Resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes; to the Committee on Rules and Administration.

By Mr. DOMENICI (for himself, Mr. DOLE, Mr. MITCHELL, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SYMMS, Mr. BAUCUS, Mr. SIMPSON, and Mr. GORTON):

S. Res. 67. Resolution commending Harold (Hal) H. Brayman for his service to the country and the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 68. Resolution to make minority party appointments to the Select Committee on Ethics for the 102d Congress; considered and agreed to.

By Mr. MCCAIN:

S. Res. 69. Resolution calling for the establishment of an international tribunal with jurisdiction to judge and punish the war crimes committed by the political and military leadership of Iraq; to the Committee on Foreign Relations.

By Mr. SANFORD:

S. Res. 70. Resolution limiting expenditures in campaigns for election to the Senate, setting standards of conduct for those seeking election or reelection to the United States Senate and providing sanctions against those elected who bring discredit to the United States Senate by violating the established standards of conduct; to the Committee on Rules and Administration.

By Mr. DOLE (for himself, Mr. MITCHELL, Mr. PELL, Mr. HOLLINGS, Mr. KOHL, Mr. BOREN, Mr. DODD, Mr. REID, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PRESSLER, Mr. PRYOR, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, and Mr. WIRTH):

S. Con. Res. 13. Concurrent resolution commending the President and the Armed Forces for the success of Operation Desert Storm; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. GRAHAM (for himself and Mr. INOUYE):

S. 518. A bill to amend title XVIII of the Social Security Act to expedite the payment of claims under such title by increasing the level of interest paid on late payments to providers under such title, and for other purposes; to the Committee on Finance.

INTEREST LEVEL ON LATE PAYMENTS TO MEDICARE PART B PROVIDERS

• Mr. GRAHAM. Mr. President, today, I am introducing legislation to expedite the payments of Medicare part B claims. I am particularly pleased to be joined by my colleague Senator INOUYE.

I introduced this bill last Congress in response to a situation in the State of Florida. In May of 1989, my district offices received an unusual number of phone calls, letters, and direct contacts from thousand of physicians, beneficiaries, and medical equipment dealers concerned about delays in Medicare payments.

Alarmed by the sheer number and intensity of the complaints, I convened a meeting in Orlando to investigate the matter. Testimony at the 1989 Florida hearing indicated that many beneficiaries and providers are waiting months for word on their pending Medicare claims. Beneficiaries are using their savings to pay their Medicare bills and doctors and small home health agencies are going to banks to borrow money to meet their cash flow problems.

Some physicians are withdrawing from the participating physician program because of the inordinate delay in processing their claims. Further, many other nonparticipating physicians who nevertheless routinely accepted assignment for many of their Medicare patients are now only taking assignment on claims they fear could not be paid in any other manner.

Although the initial problem in Florida which caused the late payments situation in 1989 was resolved, other, more recurring problems with the Medicare reimbursement system were revealed during the hearing process.

Under certain circumstances, valid claims are placed in the review process for several months during which time payments are delayed. After these claims are adjudicated to become clean claims, or claims free from defect, there is no interest paid for the delay. And the longer a claim is held in review before it is processed, the longer the money stays in the Medicare trust fund and accrues interest.

For clean claims not held in review, the payment of interest begins 24 days after receipt from the provider. The rate of interest for late payments is the prevailing interest rate, the current index used for calculating interest. If, however, the Government pays interest at the rate at which it borrows money, the incentive to reimburse physicians and others on time is limited.

Raising the interest rate would demonstrate the willingness of Congress to resolve some of the continuing problems associated with late Medicare payments.

My bill would hasten the payment of claims in two ways. The measure would increase the level of interest on late payments to providers to ¼ percent above the prevailing interest rate. It would also broaden the category of claims eligible for interest payments, extending them to valid claims held in review.

The legislation would attempt to accomplish several goals: First, create a real penalty for late payments by contractors; second, allow for less abuse of the review process; third, provide contractors with strong incentives to make timely part B payments; and fourth, encourage more physicians to accept assignment.

Mr. President, providing the Government with incentives to make timely payments to those it does business with has a precedent. In 1982 and again in 1987, Congress enacted the Prompt Payment Act, which specifies that payment by the Government to certain contractors be made 7 days after receipt of a product.

If timely payments are not made in accordance with the act, the Government agency is required to pay the contractor a late payment interest penalty. The late payment interest penalty must be paid from the funds appropriated for the program which incurred the penalty.

According to the GAO, previous to this legislation, almost 40 percent of contractor invoices were paid late by the Government. The small business community was especially hard hit by the costs resulting from delayed payment by the Government.

As in the case of the small business vendors which contract with the Government, claims submitted for unassigned physician services and from small providers face the longest delays.

Mr. President, Congress acted in the past on the prompt payment issue because it is crucial that the Government conduct its business with those who provide services to our people on a basis of dignity, respect, and accepted business practice. It is important that Congress act again to clear up an intolerable situation affecting all Medicare beneficiaries and providers, and I urge my colleagues to join Senator INOUYE and me in this endeavor.

I ask unanimous consent that the full 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. 518

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

SECTION 1. INTEREST LEVEL ON LATE PAYMENT TO PROVIDERS INCREASED.

(a) CLAIMS UNDER PART A.—Section 1816(c) of the Social Security Act (42 U.S.C. 1395h(c)) is amended—

(1) in paragraph (2)(C), by striking "interest shall be paid at" and inserting "interest shall be paid at a rate which is ¼ percent higher than"; and

(2) by adding at the end thereof the following new paragraph:

"(4) Each agreement under this section shall provide that with respect to claims that are not treated as clean claims as described in paragraph (2)(B), but, which are found after review to be legitimate and complete, that beginning with the day that is 24 calendar days after the day that such claim is received from a hospital, skilled nursing facility, home health agency, hospice program, comprehensive outpatient rehabilitation facility, or rehabilitation agency that is not receiving payments on a periodic interim payment basis with respect to such services and ending on the date on which payment is made, interest shall be paid on such claim at the same rate as that specified under paragraph (2)(C).".

(b) CLAIMS UNDER PART B.—Section 1842(c) of such Act (42 U.S.C. 1395u(c)) is amended—

(1) in paragraph (2)(C), by striking "interest shall be paid at" and inserting "interest shall be paid at a rate which is ¼ percent higher than"; and

(2) by adding at the end thereof the following new paragraph:

"(4) Each contract under this section which provides for the disbursement of funds, as described in subsection (a)(1)(B), shall provide that with respect to claims which are not treated as clean claims as described in paragraph (2)(B), but, which are found after review to be legitimate and complete, that beginning with the day that is 24 calendar days after the day that such claim is received and ending on the date on which payment is made, interest shall be paid on such claim at the same rate as that specified under paragraph (2)(C).".

(c) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall apply to claims received on or after August 1, 1991.

(2) The Secretary of Health and Human Services shall provide for such timely amendments to agreements under section 1816 of the Social Security Act and contracts under section 1842 of such Act, and regulations, to such extent as may be necessary to implement the provisions of this Act on a timely basis.●

By Mr. LEAHY:

S. 520. A bill to establish on a temporary basis a minimum basic formula price for the computation of class I milk prices; to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY ASSISTANCE FOR DAIRY FARMERS

Mr. LEAHY. Mr. President, our Nation's dairy farmers are facing very tough times. Just a year ago, things looked different. Due to droughts and the whole herd buyout, the supply of milk decreased, and our farmers had record high prices at market.

But, because of these same high prices, many farmers increased production. In my home State of Vermont, several new farms were started. But once production increased, we saw a dramatic drop in the market price, causing so many of our farmers in Vermont and elsewhere to lose thousands of dollars.

Also, a General Accounting Office investigation I requested has made a preliminary conclusion that retailers are doing some price gouging. We found that while the price paid to farmers has dropped by 25 percent, if we go into the grocery store, we find that the price of fluid milk has hardly gone down at all. Farmers have seen their profits go down but consumers are still paying about the same amount at the grocery store. Obviously, others are reaping the profits that our dairy farmers need today to survive.

The long-term solution is through managing the amount of milk sold—so farmers earn a decent living and consumers have an adequate supply of milk. This is known as supply management.

The good news is that the 1990 farm bill gives dairy farmers the opportunity to tell Congress the type of supply management program they want to stabilize the supply and price of milk.

The bad news is that it will be a year or more before USDA studies, and Congress enacts any form of supply management.

To fill the gap and because there is an emergency, as chairman of the Senate Agriculture Committee, I am today introducing emergency legislation to address the crisis faced by Vermont's dairy farmers and by dairy farmers across the Nation. This bill will temporarily move the price for fluid milk closer to last summer's prices, prices that can allow farmers to stay in business.

What it means is that for the next year the price paid to farmers for class I fluid milk would be increased.

It will also make sure that the excess profits will be used to preserve family farms and not just go into the pockets of middle men.

To both improve the quality and taste of milk and save taxpayers money spent on the entire dairy program, the bill increases the protein and other nutritional components in milk to the standard currently set by California.

By increasing these standards, all grades of milk—including skim milk—will have a richer, better taste, as well as have a higher nutritional value. The use of the components in milk will use more milk product and thus reduce the cost of surplus milk purchases by the Government.

I think this bill meets the immediate emergency crisis facing our Nation's dairy farmers. It responds to the growing nutritional concerns of all Americans and should increase consumer demand for milk.

It must be passed soon though, in order to make a difference for our Nation's dairy farmers who are suffering badly today.

Mr. President, I ask unanimous consent that a description of the legislation be printed in the RECORD.

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

DESCRIPTION OF LEGISLATION TO PROVIDE EMERGENCY ASSISTANCE FOR DAIRY FARMERS

Milk prices to farmers have fallen nearly 25 percent since last August yet the average consumer has seen little if any reduction in milk prices at the supermarket. This legislation will require prices for fluid milk used for beverage purposes to be set at levels achieved last August. While consumer prices should not be affected by the bill, price gouging by retailers will be curtailed and the price of milk paid to farmers will rise.

The bill is consistent with the pay-as-you-go budget rules adopted in the Budget Enforcement Act of 1990. Since the legislation does not affect prices for milk used in the manufacture of cheese, butter and other dairy products it will have a limited impact on the dairy price support program. Furthermore, any increased cost in the dairy price support program will be more than offset by changes in the standards of identity for fluid milk products, which will cut Commodity Credit Corporation purchases of non-fat dry milk.

All milk sold in the United States is divided into classes depending upon the end use of the milk. Milk for beverage use is classified as Class I milk. Milk for the manufacturing of butter, cheese, and other products is usually classified as Classes II or III. Processors of milk pay more for the milk they receive based upon the way the processor intends to use the milk. Processors pay more for milk to be used as a beverage (Class I) than milk to be used for manufacturing purposes.

The bill would temporarily increase the price processors pay for Class I milk in the United States. The price for Class I milk during the time period covered by the bill would be determined based upon the basic formula price for milk received by producers during the month of August 1990.

The prices processors pay for Class II and Class III milk would not be directly affected by the provisions of this bill. The support price for milk as contained in the Food, Agriculture, Conservation, and Trade Act of 1990 would be unchanged.

The bill would also increase the minimum milk solids (not fat content) of all beverage milk, including whole milk, lowfat milk, and skim milk similar to the standard already used in California. It has been proven that increased solid content of milk results in a better taste. By increasing the milk solid not fat content of beverage milk, it is hoped that consumption would increase as a result of increased demand for the product. This bill should also result in less of a surplus of nonfat dry milk because nonfat dry milk could be used to increase the milk solid not fat content of beverage milk.

This change will not affect the fat content of milk; nor is it the intention of this bill to affect any other regulation or rule of the Food and Drug Administration concerning quality standards for milk and milk products.

Mr. THURMOND. Mr. President, I rise today in support of legislation which will help maintain the price of class I fluid milk at the August 1990 level. The dairy farmers in South Carolina are facing some tough economic times due to the recent dramatic decrease in the price of fluid milk.

Currently, in my State there are 210 dairies which produce about 75 percent of the fluid milk consumed in South Carolina. But this number may soon change for the worse if the price of milk is not stabilized. Last summer, our State was hit with drought and floods causing many farmers to have to purchase feed for their herds. While the costs of production due to these disasters has increased, the price of milk has dropped from $14.93 per hundredweight in December 1989 to a low of $10.48 per hundredweight for December 1990.

The Minnesota-Wisconsin [M-W] system of establishing a price for milk was established in 1961 and due to the changes in production as well as other factors this system is no longer useful. In the Food, Agriculture, Conservation, and Trade Act of 1990, Congress acknowledged that problems exist in the current milk pricing formula. This bill requires the USDA to hold hearings and review the M-W pricing system by October 1, 1991.

The legislation being introduced today will help maintain the minimum price of milk to that of August 1990,

only until the USDA has studied and made recommendations for improving the M=W system.

Mr. President, I urge my colleagues in other States which are harmed by this system to join me in supporting as well as working for the swift enactment of this most important legislation.

By Mr. HOLLINGS (for himself, Mr. DANFORTH, and Mr. INOUYE):

S. 522. A bill to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CLEAN CAMPAIGN ACT

Mr. HOLLINGS. Mr. President, today I am introducing legislation that furthers the intent and improves the effectiveness of the political broadcasting laws. The Clean Campaign Act of 1991 seeks to ensure greater balance and accountability in political campaigns. This legislation is identical to S. 1009, which I introduced last Congress and which was approved without objection by the Commerce Committee. I believe that in light of the problems that have arisen in recent political campaigns, this legislation is essential.

The Clean Campaign Act addresses two specific problems that arise in the use of broadcast stations for political campaigns. The first problem involves the use of broadcast time to attack opponents. While such attacks are not new, with the advent of sophisticated uses of electronic media, such attacks are becoming more and more insidious and are contributing less and less to the debate about candidates' qualifications for office. We all have seen and heard on the broadcast media just about every form of animal and every type of hired performer make incorrect or misleading remarks about a candidate's opponent. What's more, the very nature of the broadcast media makes these attacks difficult, if not impossible to rebut, especially if they occur late in a campaign. Everyone who has run for office knows that rebuttals take plenty of time and are very expensive.

I know full well that we cannot limit—nor would we want to limit—a candidate's discussion of an opponent's character, record, and other qualifications to hold office. This is a fundamental part of political campaigns. On the other hand, the objective of this activity is to inform the voter so that an educated choice can be made. The voter deserves a clear and direct discussion. This discussion should not occur through surrogates who have no real responsibility. It is for these reasons that I am proposing that if a candidate wants to discuss an opponent in a broadcast advertisement, that candidate should do so in person. In this way, candidates can discuss whatever they wish about their opponents, while being more responsible for what they say.

The second problem involves the use of PAC money to air advertisements on broadcast stations. We all have seen how PAC's can damage seriously the balance in a campaign through the expenditure of enormous amounts of money. In effect, a candidate budgets to fight one well-financed opponent but then ends up fighting many.

While the existing political broadcasting laws give a candidate equal opportunities vis-a-vis an opposing candidate, the laws offer far fewer protections when it comes to PAC's, and even these protections will evaporate if the FCC has its way. The current requirements for lowest unit advertising rates, or free response time, or just the ability to respond promptly do not apply with PAC's. In addition, when a candidate responds to a PAC, the candidate then triggers the equal opportunities provision of the law. In the end, the candidate finds he keeps making one statement for two or more on the other side. How can the candidate hope to compete fairly? To cure this problem, my legislation again takes a straightforward approach, which in no way limits the ability of PAC's to advertise: If a broadcaster airs PAC advertisements, the broadcaster then must give the candidate who is opposed or otherwise not supported in those ads free response time within a reasonable period.

In conclusion, the approach taken in this legislation is reasonable and infringes on no person's free speech rights. It will improve the accountability of candidates and the balance in campaigns. In the end, the public will benefit by having the best information possible on which to make an intelligent choice.

Mr. DANFORTH. Mr. President, today I join my colleagues, Senators HOLLINGS and INOUYE, in introducing the Clean Campaign Act of 1991. This bill does two things to improve political campaign advertising and debate in this country.

First, the bill amends the Communications Act of 1934 to require Federal candidates who refer to their opponents in broadcast ads to make those references in person. If an ad is broadcast in which a candidate refers to his opponent, but does not do so in person, his opponent receives free response time. This provision does not prevent negative advertising, but its intent is to discourage negative ads. It is designed to increase accountability. If a candidate wishes to cast aspersions on his opponent's character, the public should be able to see the candidate do so personally.

Second, this legislation addresses independent political ads placed by political action committees or other third parties. The bill provides that, if a third party runs an ad opposing a Federal candidate, that candidate will get free response time. If a third party airs an ad endorsing a Federal candidate, the opponents of that candidate get free response time. This bill does not eliminate or restrict ads by third parties. It does attempt to restore balance to a campaign in which independents ads are aired. This provision will give candidates some ability to respond to messages that otherwise might be unanswerable.

The goal of this bill is to address perhaps the most troubling aspect of current American politics, the nauseating negativism of political campaigns. The use of the electronic media and the development of the independent political ad have exacerbated the problem of negative campaigns. This bill does not prohibit negative campaigns, but it does allow the public to hold accountable the candidate who runs such a campaign. Senator HOLLINGS and I have introduced this bill twice before. Considering the increasingly negative tone of recent campaigns, I think the time is right to move this legislation.

Mr. INOUYE. Mr. President, I rise today to support the Clean Campaign Act of 1991. I know that many people, both in the Congress and around the country, have been concerned about campaigns for political office. There is a strongly held view that these campaigns are slick, superficial, and often misleading. As a result, the voter does not obtain the information necessary to reach an intelligent decision and cares little for the outcome. The low voter turnout of the past few elections lends credence to this belief.

In addition to the problem of uninformative, negative campaigns, a problem exists when individuals and groups unaffiliated with a candidate intervene in campaigns. These groups are often unidentifiable. They are also well-funded, and, to increase the power of their money, they enter only close races late in the campaign, spending virtually all of their money airing, again and again, one or two broadcast advertisements.

Candidates typically raise enough money to fight an opponent, and often, toward the end of a campaign, money is short. In addition, it is very difficult to respond to advertisements made in the last week of a campaign. Thus, independent players take advantage of all of these factors and throw a campaign out of balance: a candidate now has not one, but two, potent forces to battle.

Congress has been trying for some time to deal with concerns about political campaigns. While the omnibus campaign legislation is deal with in other committees, the Commerce Com-

mittee has jurisdiction over a vital element: the use of broadcasting stations and certain other commercial media. As we all well know, the largest percentage of campaign funds are spend on these media.

The Clean Campaign Act seeks to increase accountability and balance in campaigns for Federal office by first, requiring a candidate, when discussing an opponent, to appear personally in broadcast advertisements, and second, providing a candidate with free broadcast time to respond to an advertisement opposing him sponsored by an independent party.

I believe that this legislation represents an important step in addressing the issues facing campaigns today. I urge my colleagues to support this legislation.

By Mr. DANFORTH (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 521. A bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CAMPAIGN ADVERTISING AND DISCLOSURE ACT

Mr. DANFORTH. Mr. President, along with Senators HOLLINGS and INOUYE, I am introducing legislation to restore the existing "lowest unit charge requirement" of the Communications Act to its original intent. This bill also requires enhanced disclosure by candidates. This measure is similar to a bill that was reported by the Commerce Committee in the last Congress.

LOWEST UNIT CHARGE

In 1972, Congress amended the Communications Act of 1934 to require broadcasters to sell time to political candidates at rates no higher than those charged to the station's most favored commercial advertisers. This obligation is called the lowest unit charge requirement. This law is no longer working, however. Commerce Committee hearings in the last Congress and last year's audit of political advertising by the Federal Communications Commission [FCC] confirm what many have feared: the problems with the lowest unit charge statute are significant and widespread.

Mr. President, there are several problems with the existing lowest unit charge requirement. First, the law is unclear. Interpreting lowest unit charge is now so difficult that, during election periods, the FCC has to answer 50 to 75 daily inquiries about it.

Second, the law requires only that the candidates be afforded the lowest unit charge for each "class" of time. When the law was enacted, broadcast advertising was sold with rate cards. It was fairly simple to determine the lowest rate for the "class of time"—fixed or preemptible. But for many stations the way advertising is sold has changed. It is now, in effect, an auction.

Third, it is very difficult for a candidate to know if he is getting the lowest unit charge. He is not entitled to look at the station's commercial records to compare his rate to that of Coca Cola, for example. Without access to station records, there is no way to determine whether the requirement is being met.

Fourth, the Commerce Committee hearings and the FCC's audit demonstrate that candidates usually pay a much higher rate than commercial advertisers. In today's sophisticated campaigns, candidates must target specific voting age audiences. But a candidate's ad can be bumped, for example, from a news program to a Saturday morning cartoon show, unless he pays a premium "fixed" rate for his ad time. Witnesses at the Commerce Committee hearings told us that commercial advertisers rarely have to buy fixed time as protection against preemption, even though they sometimes need to avoid being bumped, too. And rates for fixed time can be four or more times the rates of preemptible time. Instead of getting the best deal, politicians are getting the worst. As the Democratic media buyer Bob Squier testified, "[t]he memorial service for lowest unit rate was held years ago * * *"

Finally, there is the potential for abuse. Hearing witnesses testified that it would be possible for a broadcaster to favor one candidate over another. Candidate A might be told that, to be sure his ad will run, he must buy expensive fixed time. But the broadcaster could assure his opponent, Candidate B, that he can buy cheap preemptible time and not be bumped. So, Candidate A buys fixed time. Candidate B buys preemptible time. Candidate B is never preempted. Hearing witnesses discussed a case in which one Senate candidate paid, on average, five times as much per advertising spot as his opponent—for spots on the same shows. The candidate buying the cheaper preemptible time was never preempted.

There is no way of determining whether one candidate should have been bumped. Stations are not required to record whether someone else sought to buy time. There is at least the potential for foul play. It could be done with a wink or an unspoken understanding. If it happened, it would be an illegal corporate contribution. And one candidate's dollar would have purchased four or more times as much speech as his opponent's.

Mr. President, this legislation restores the lowest unit charge provision to its original intent by making a few simple and straightforward changes. It deletes the word "class" from the lowest unit charge provision. As a result, candidates will be entitled to the lowest advertising rate, not just the lowest rate for a particular "class" of time, such as "fixed" or "preemptible" time. Also, the bill adds a sentence to clarify that broadcasters are prohibited from bumping campaign ads.

This bill also incorporates changes sought by the National Association of Broadcasters to last year's bill. It shortens the periods during which the lowest unit charge requirement applies from 45 days before a primary election and 60 days before a general election to 30 and 45, respectively. It also provides that candidates' ads are preemptible until payment is made for them. And the legislation provides that, if the show in which a candidate's ad is to run is unavoidably preempted, the ad can be preempted as well. With these changes, the National Association of Broadcasters does not oppose this measure.

The lowest unit charge requirements does not require free time. It merely requires that candidates be dealt with as though they had the market power of large advertisers. The deletion of the word "class" from the statute and the ban on preemption are not intended to alter the current FCC policy and practice with respect to the treatment of various "bonus" advertising spots and package plans in calculating the lowest unit charge. The FCC has established ground rules in its publication entitled, "The Law of Political Broadcasting and Cablecasting: A Policitcal Primer," to ensure that bonus spots or package plans are included where appropriate to determine the lowest unit charge, but are excluded where they would distort the charge from being that which is provided to a broadcasting station's most-favored-commercial customer.

Reform of the lowest unit charge requirement will lower the cost of advertising to political campaigns significantly. By lowering costs, it will help candidates challenge incumbents. Lowest unit charge reform will treat all candidates fairly and give them the insurance they need against preemption. And this reform will help broadcasters avoid mistakes in applying the law.

ENHANCED DISCLOSURE

Mr. President, the bill we are introducing today also amends the existing disclosure requirement for political ads. Under current law, political ads carry a tag line stating that the ad was paid for by a candidate's authorized committee. This legislation would add to that disclosure by requiring the candidate himself to state that he has approved the ad. It will help to inform the electrorate and strikes a reasonable balance among the interests of candidates, broadcast licensees and the public.

The goal of this requirement is to keep candidates from hiding behind an innocuous sounding committee with an innocuous sounding name. If candidates want to sling mud, that is their

decision. But let the public know whose hands are dirty.

The candidate disclosure requirement does not restrict the content of the political ad itself—it is a regulation of the time, place and manner of the speech. The Supreme Court has upheld similar disclosure requirements. Rather than requiring a tag line identifying the sponsoring candidate, the new provision simply would require personal identification of the candidate.

TWO REFORMS

Two fundamental problems with our political process, the money chase and campaign mudslinging, can be remedied easily. We can attack the biggest cost of campaigns—broadcast time—by requiring broadcasters to treat candidates like major commercial advertisers. And we can put some sunshine on the mudslinging 30 second commercials by revealing who has approved the ad. Both of these remedies are incorporated in this legislation.

I want to thank Senators HOLLINGS and INOUYE for their leadership in moving these reforms forward and I urge my colleagues to approve this measure.

Mr. HOLLINGS. Mr. President, I rise today in support of legislation to improve our electoral process and ensure that the voting public is more fully informed. The bill we are introducing today achieves these goals by facilitating reasonable access for political candidates to the media and by increasing accountability. The Campaign Advertising and Disclosure Act of 1991, authored by Senator DANFORTH, Senator INOUYE, and myself, achieves these objectives by ensuring that candidates are charged the lowest unit rate for broadcast advertisements and by requiring candidates to disclose more fully and clearly their responsibility for these advertisements.

The Commerce Committe has long been concerned that political candidates have reasonable access to broadcast stations and that there is no discrimination in the rates charged for campaign advertisements. The lowest unit rate provision of the Communications Act of 1934 was adopted specifically to address that concern.

The lowest unit rate provision, adopted in 1972, requires broadcasters to charge candidates the lowest unit rate available for the time during which the advertisements are aired. Hearings held by the Commerce Committee last Congress demonstrated that the lowest unit rate provision is not being applied properly—candidates are being charged more than the lowest unit rate. These conclusions are buttressed by the Federal Communications Commission's—FCC—1990 audit of broadcaster compliance with the lowest unit rate statute. In surveying 30 radio and television stations, the FCC found the following.

First, 16—80 percent—of the 20 television stations charged candidates more for advertising time than commercial advertisers paid for virtually all advertisements. In one case, candidates paid $6,000 for a 30-second advertisement during a particular day part, while commercial advertisers paid less than $3,000.

Second, some stations established special rates for candidates—just before or just after news programs—that were much higher than the rates charged commercial advertisers. At one station, every candidate paid $4,000 for these spots, while commercial advertisers only paid between $575 and $2,550.

The reasons for the disparity in the rates paid by candidates and commercial advertisers are: First, stations encourage candidates to purchase nonpreemptible advertisements, while giving commercial advertisers a virtual guarantee that their advertisements will run even though purchased at preemptible rates; second, stations often do not inform candidates about lower priced options and package deals; third, stations' rate cards are misleading, lack detailed information, or are not available; fourth, stations have misapplied or failed to inform candidates of the FCC requirements that they "make good" advertisements that are preempted if they provide "make goods" to any commerical advertiser; and fifth, most of the stations' public files do not have adequate information for candidates to ascertain what rates are charged other advertisers.

This bill seeks to remedy these problems. It deletes the word "class" from the lowest unit rate statute and explicitly bars broadcasters from preempting—bumping—campaign ads. Thus, there will no longer be any class distinctions for political advertisements, and broadcasters will have to sell time to candidates at the lowest rate available.

The legislation also does the following.

First, it shortens the periods during which the lowest unit rate provision applies. Presently, the lowest unit rate provision applies to the period beginning 45 days before a primary and 60 days before a general election. The bill shortens each of these periods by 15 days.

Second, it clarifies that political ads remain preemptible until they are paid for.

Third, it permits preemption of a political spot if the program in which it is to appear is preempted for reasons outside the broadcaster's control. Thus, the only time a broadcaster can preempt a candidate is if the entire show in which the candidate's ad was to appear is preempted for reasons beyond the broadcaster's control.

Finally, the bill addresses the important issue of responsibility by requiring that candidates who benefit from the lowest unit rate provision clearly state: "I ——, a candidate for ——, have approved of this ad." If the advertisement is on television, this statement must be accompanied by a picture of the candidate filling at least 40 percent of the screen. Thus, candidates will no longer be able to get away with pictures and print so small as to be unintelligible.

In closing, I commend the broadcast industry for working with the committee on this legislation to ensure that it improves campaigns without unduly burdening broadcasters. The broadcasters recognize that current law is confusing at best and needs clarification. As a result of our joint efforts, the National Association of Broadcasters will not oppose this legislation.

In sum, I believe that this is a very important measure essential to the improvement of our electoral process, and I strongly urge my colleagues to support it.

Mr. INOUYE. Mr. President, I take the floor today to support the Campaign Advertising and Disclosure Act of 1991, legislation to change the provisions of the Communications Act concerning the purchase of broadcast time by political candidates. This bill eliminates the different classes of time for political advertisements and prohibits broadcasters from preempting political advertisements. In addition, it increases candidate accountability for the content of the advertisements.

This legislation is long overdue. In campaigns today, television advertisements are the single greatest expense. It is estimated that the average candidate for the Senate devotes between 40 and 60 percent of his campaign expenditures—about $2 million—to television advertisements.

Section 315 of the Communications Act requires broadcasters to sell advertising time to political candidates at the "lowest unit charge * * * for the same class and amount of time". Broadcast stations offer two basic classes of time to advertisers: First, fixed or "nonpreemptible" spot time; and second, preemptible spot time. Nonpreemptible time is more expensive than preemptible time because the broadcast station commits to air nonpreemptible spots; and, if the spot is not aired, the station has to air the spot in a similar time period as soon as possible. The difficulty facing political candidates concerns preemptible time, since there is no guarantee that the preemptible ads will be aired at the desired time. There have been cases where one candidate buys preemptible time and has all of his ads run, while another has to pay the nonpreemptible rate to ensure that his ads are run. The issue is further complicated by the fact that the price of all classes of ads, but particularly for preemptible spots,

vary depending on the time of day aired and when the ads are purchased.

At the hearings held by my subcommittee last Congress, the testimony presented set out three primary reasons that this legislation is needed. First, the price paid by two candidates for advertisements of the same length aired at approximately the same time and day of the week can vary significantly. In one case presented, a candidate paid five times what his opponent paid for almost identical advertising time. The difference in price was attributed solely to the difference in the price of nonpreemptible and preemptible time. Second, testimony was presented that political candidates often pay more for spots than commercial advertisers because candidates are told that they have to purchase nonpreemptible time to ensure their spots will be aired, while commercial advertisers purchase preemptible time knowing that their spots are rarely preempted. Third, the testimony also pointed out that the way time for advertising is sold has changed significantly from the method used when the law was enacted. In 1971, advertising time was sold based on rate cards which set forth the cost of ads in different classes of time. Rate cards are rarely used today and the process resembles an auction—with broadcasters receiving as much as they can for each advertisement. Moreover, since advertisements are sold continuously, the rates can change by the hour.

A recent audit of 30 television and radio stations confirmed all of these problems. In fact, based on the evidence gathered by the FCC, the disparity in rates is far greater than we even thought. To remedy these problems, this bill deletes the word "class," only permitting broadcasters to have one class of commercial time for candidate advertisements. It also prohibits licensees from preempting political advertisements. The effect of this bill is to require stations to sell spots for candidate ads at the lowest rate charged for any spot during the relevant time period.

This legislation also addresses another concern of the committee's, candidate accountability. Although candidates are required to identify themselves in advertisements, the spirit of law is simply not being met. Most statements identifying a candidate are far too brief and unreadable, to hold a candidate accountable. To remedy this problem, under this bill voters know when they are viewing a candidate's advertisement and that the candidate has approved the ad.

This legislation represents the efforts of many Senators. I especially want to thank Senator HOLLINGS, chairman of the Commerce Committee and Senator DANFORTH, the ranking member of the committee and the author of this bill.

I believe that it is critical that we address these problems now. I also want to thank the broadcast industry for its assistance on this legislation. This bill represents a compromise with the broadcast industry and they will not oppose it. While it might not address all of our concerns about the campaign process, it is a significant first step. I strongly urge all of my colleagues to support this bill.

By Mr. SIMON:

S. 523. A bill to authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution; to the Committee on Rules and Administration.

NATIONAL AFRICAN-AMERICAN MEMORIAL MUSEUM ACT

• Mr. SIMON. Mr. President, I am pleased to reintroduce a bill that would authorize the establishment of the National African-American Memorial Museum within the Smithsonian Institution. It is a honor for me to be associated with legislation that will inspire and educate people of the United States and the world about the cultural legacy of African Americans. Furthermore, it is an honor to introduce this legislation during Black History Month.

As you know, I introduced this legislation last Congress after testifying before the House Subcommittee on Libraries and Memorials on this issue. As I said then, part of America's strength is her diversity. We are truly one out of many. The rich heritage of the United States is a tightly woven fabric formed by the individual contributions of its diverse population. A fundamental thread of the American fabric is the history, culture, and art of African Americans.

The need for a national museum is evident. Our Nation's capital is home to the most comprehensive collection of American art and culture in the world, but the collection is far from complete. Out of 15 major museums and galleries, a zoological park, and 5 major research facilities; only one is solely devoted to African-American culture—the Anacostia Museum. African Americans make up 12 percent of the population in the United States, yet they do not have a significant space in a national permanent collection. There are many wonderful private museums, such as the DuSable Museum in Chicago and the Dunham Foundation of Cultural Arts in Saint Louis, that are dedicated to the preservation and presentation of African-American heritage. These museums contribute greatly to their communities, and should continue to do so. I do, however, believe that we should establish a truly national African-American museum—a museum that can stand as a national and international center for the presentation and preservation of African-American art, history, and culture.

A National African-American Memorial Museum dedicated to education and to research would provide a broader and a better understanding of the outstanding contributions made by our African-American sisters and brothers to our culture and to the world. Museums are educational tools of immense power. There are over 40 million schoolchildren in the United States, 16.2 percent are African-American. These children, as do we all, need to learn about their ancestors' role in shaping this Nation.

Mr. President, these are understandably times of fiscal restraint. We have many issues abroad and at home that clamor for our immediate attention. However, the need for an understanding of our past, and our fellow Americans, demands our attention as well. When we understand our history, we can better understand ourselves. The history of the United States has been a history of struggle and conflict fueled by the belief in individual freedoms.

The heritage of African-Americans reflects a unique and vital account of what is so fundamentally American, the pursuit of the freedoms afforded to all in a democracy. We cannot continue to leave the fabric unwoven, the picture incomplete.

Last Congress, Representative LEWIS and I proposed legislation to establish the National African-American Memorial Museum. Subsequently, the Smithsonian created a distinguished and knowledgeable committee, under the able direction of Ms. Claudine Brown, to explore and investigate the African-American presence on the Mall. I commend those who dedicated their time and expertise to the committee. I appreciate the Smithsonian providing me with a copy of it's proposed legislation on this issue, and I look forward to receiving a copy of the committee's final report.

I was disappointed to learn that in the Smithsonian's recently published 5-year prospectus the African-American Memorial Museum was not mentioned, at all. Given all the energy, and resources the Smithsonian focused on this issue last year, I would have thought that it merited some attention. I hope the Smithsonian will include the museum in its future reports.

Mr. President, in addition to the issues of preservation and education, there is another issue at stake here, and that is the issue of communication. The diverse population of the United States can communicate with one another, not just through words, but through the common experience of being American. Museums reflect the cultural content people share. Of the 30 million visitors to the Smithsonian every year, many are from other countries. These travelers use museums to gain cultural impressions and informa-

tion. If we are to preserve and present the American heritage to all Americans and to the world, then we must include the contributions of African-Americans.

I urge my colleagues to join me in support of the National African-American Memorial Museum Act, and in continuing the dialog on this issue. 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. 523

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National African-American Memorial Museum Act".

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) the presentation and preservation of African-American history and culture within the National Park System and other Federal agencies is inadequate;

(2) the inadequate presentation and preservation of African-American history and culture seriously restricts the ability of the people of the United States, particularly African-Americans, to understand themselves and their past;

(3) African-American history includes the varied experiences of Africans in slavery and freedom and the continued struggles for full recognition of citizenship and treatment with human dignity;

(4) in enacting Public Law 99-511, the Congress encouraged support for the establishment of a commemorative structure within the National Park System, or on other Federal lands, dedicated to the promotion of understanding, knowledge, opportunity, and equality for all people;

(5) the establishment of a national memorial museum and the conducting of interpretive and educational programs, dedicated to the heritage and culture of African-Americans, will help to inspire and educate the people of the United States regarding the cultural legacy of African-Americans and the contributions made by African-Americans to the society of the United States; and

(6) the Smithsonian Institution employs thousands of individuals and operates 15 museums and galleries, a zoological park, and 5 major research facilities, but only 1 of its institutions is devoted solely to African-American cultural history.

SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN-AMERICAN MEMORIAL MUSEUM.

There is established within the Smithsonian Institution a Memorial Museum which shall be known as the "National African-American Memorial Museum". The purposes of the Memorial Museum are to provide—

(1) a center for scholarship relating to African-American history and culture;

(2) a location for permanent and temporary exhibits documenting African-American history and culture;

(3) a location for the collection and study of artifacts and documents relating to African-American history and culture;

(4) a location for various special events relating to African-American history and culture; and

(5) a location for training in the arts, humanities, and sciences regarding museum practices related to African-American history and culture.

SEC. 4. CONSTRUCTION OF THE NATIONAL AFRICAN-AMERICAN MEMORIAL MUSEUM.

(a) CONSTRUCTION.—The Board of Regents shall provide for the design and construction of a building to be known as the National African-American Memorial Museum. The design and construction of the building shall be carried out as follows:

(1) PREPARATION OF ARCHITECTURAL PLANS.—The Board of Regents shall provide for the preparation of architectural and engineering designs, plans, and specifications. The Memorial Museum shall be at least 377,000 square feet in size. The designs, plans, and specifications shall be approved by the National Capital Planning Commission before construction begins.

(2) SITE.—The Memorial Museum shall be constructed and permanently located in Washington, District of Columbia. The specific site of the Memorial Museum shall be approved by the National Capital Planning Commission and shall be chosen from among available lands of the National Park Service on the Mall in Washington, District of Columbia, and any other available Federal lands in close proximity to the Mall in Washington, District of Columbia.

SEC. 5. BOARD OF TRUSTEES OF MEMORIAL MUSEUM.

(a) ESTABLISHMENT AND APPOINTMENT.—

(1) IN GENERAL.—There is established in the Smithsonian Institution the Board of Trustees of the National African-American Memorial Museum. The Board of Trustees shall be composed of 15 members, appointed by the President, as follows:

(A) The Secretary of the Smithsonian Institution.

(B) An Assistant Secretary of the Smithsonian Institution designated by the Board of Regents.

(C) 4 individuals from a list of at least 6 individuals recommended by the Speaker of the House of Representatives who are knowledgeable or active with respect to African-American history or culture.

(D) 4 individuals from a list of at least 6 individuals recommended by the President pro tempore of the Senate who are knowledgeable or active with respect to African-American history or culture.

(E) 5 individuals who are recommended by the Board of the African-American Museum Association.

(2) SPECIAL RULE.—At least 5 members of the Board of Trustees shall be of African-American ancestry.

(b) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Board of Trustees shall be appointed for terms of 4 years. Members may be reappointed.

(2) STAGGERED TERMS.—The terms of 7 of the members initially appointed under subparagraphs (C) through (E) of subsection (a)(1), as designated by the President at the time of appointment, shall expire at the end of the 2-year period beginning on the day of appointment.

(c) VACANCIES.—A vacancy on the Board of Trustees shall not affect its powers and shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term.

(d) NONCOMPENSATION.—Except as provided in subsection (e), members of the Board of Trustees shall serve without pay.

(e) PER DIEM.—While away from their homes or regular places of business in performance of the duties of the Board of Trustees, members of the Board of Trustees shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The Board of Trustees shall elect a chairperson by a majority of the members of the Board.

(g) BYLAWS.—The Board of Trustees may adopt any bylaws and regulations necessary to carry out its duties under this Act.

(h) MEETINGS.—The Board of Trustees shall meet at the call of the chairperson or upon the written request of a majority of its members, but shall meet not less than 2 times each year.

(i) QUORUM.—A majority of the Board of Trustees shall constitute a quorum for purposes of conducting business, but a lesser number may receive information on behalf of the Board of Trustees.

SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MEMORIAL MUSEUM.

(a) IN GENERAL.—The Board of Trustees shall—

(1) recommend annual operating budgets for the Memorial Museum;

(2) subject to the general policy established by the Board of Regents, have the sole authority to—

(A) loan, exchange, sell, or otherwise dispose of any part of the collections of the Memorial Museum, but only if the funds generated by such disposition are used for additions to the collections of the Memorial Museum or for additions to the endowment of the Memorial Museum;

(B) subject to the availability of funds and the provisions of annual budgets of the Memorial Museum, purchase, accept, borrow, or otherwise acquire artifacts and other property for addition to the collections of the Memorial Museum; and

(C) establish policy with respect to the utilization of the collections of the Memorial Museum;

(3) subject to the general policy established by the Board of Regents, have authority to—

(A) provide for restoration, preservation, and maintenance of the collections of the Memorial Museum;

(B) solicit funds for the Memorial Museum and determine the purposes to which those funds shall be applied;

(C) approve expenditures from the endowment of the Memorial Museum, or of income generated from the endowment, for any purpose of the Memorial Museum;

(D) consult with and advise the Director of the Memorial Museum on annual budgets to be recommended to the Board of Regents and otherwise consult with, advise, and support the Director in the operation of the Memorial Museum;

(E) provide for the exhibition of African-American objects and artifacts from the collections of the Memorial Museum in museums and institutions affiliated with the Memorial Museum;

(F) conduct programs of research and evaluation with respect to the collections of the Memorial Museum;

(G) conduct educational programs with respect to the collections of the Memorial Museum; and

(H) develop and implement policy as to the method of display of the African-American objects and artifacts in the collections of the Memorial Museum;

(4) adopt bylaws to carry out the functions of the Board of Trustees;

(5) report annually to the Board of Regents on the acquisition, disposition, and display of African-American objects and artifacts and on other appropriate matters; and

(6) submit an annual report to the Congress which includes the proceedings of the Board of Trustees and a full account of the financial operations of the Board of Trustees for the preceding fiscal year.

(b) EDUCATION AND PRESERVATION PROGRAMS.—The Board of Trustees of the National African-American Memorial Museum shall establish programs through the Memorial Museum and other appropriate organizations and institutions (including historically black colleges and universities), for the following:

(1) EDUCATION AND INTERPRETATION.—Education and promotion of understanding regarding the life and culture of African-Americans and the role of African-Americans in the history of the United States.

(2) RESEARCH REGARDING AFRICAN AMERICANS.—Research and scholarship relating to the history and culture of African Americans.

(3) RESEARCH OF HOLDINGS.—Research and scholarship relating to the property and holdings of the Memorial Museum.

(4) EXHIBITIONS.—The exhibition and circulation of materials relating to the heritage and culture of African Americans.

(c) ADVISORY COMMITTEE.—The Board of Trustees may provide for a committee to advise the Board of Trustees on matters relating to the Memorial Museum, as follows:

(1) QUALIFICATIONS.—A committee under this subsection shall be composed of individuals who are recognized in their professions for their knowledge of, experience with, or interest in aspects of African-American history or culture.

(2) NON-FEDERAL STATUS AND EXPENSES.—Members of a committee under this subsection shall not be considered officers or employees of the Federal Government by reason of their service on the committee. Members of the committee shall serve without compensation, but may receive reimbursement for travel, subsistence, and other expenses as determined by the Board.

SEC. 7. DIRECTOR AND STAFF.

The Secretary of the Smithsonian Institution, with the advice and consent of the Board of Trustees, shall appoint and fix the compensation and duties of a Director, Assistant Director, Secretary, and Chief Curator of the Memorial Museum and any other officers and employees necessary for the operation of the Memorial Museum and carrying out the duties of the Board. The Director, Assistant Director, Secretary, and Chief Curator shall be qualified through experience and training to perform the duties of their offices.

SEC. 8. PROGRAMS AND OPERATION OF MEMORIAL MUSEUM.

(a) NATIONAL TRUST FOR AFRICAN-AMERICAN MUSEUMS.—The Board of Regents, in consultation with the Board of Trustees, shall establish an agency in the Memorial Museum to be known as the National Trust for African-American Museums. The purpose of the Trust shall be to collect and acquire items relating to African-American history and culture, develop programs to enhance the care and management of collections of the Trust and other museums, train and develop professionals and paraprofessionals for African-American museums, and provide information and education for the public regarding the contributions of African Americans to the history of the United States.

(b) AFFILIATE PROGRAM.—

(1) ESTABLISHMENT.—The Board of Regents shall, in consultation with the Board of Trustees, and with the ongoing assistance and participation of the African-American Museum Association, sponsor, coordinate, and administer programs for museums throughout the United States relating to African-American heritage and culture, and shall establish a program by which museums and institutions may become affiliated with the National African-American Memorial Museum for the purpose of the following:

(A) PROGRAM PARTICIPATION.—Participation in programs under subsection (a).

(B) EXCHANGE.—Exchange of knowledge, materials, and personnel and exhibition of the holdings of the Memorial Museum in locations other than the Memorial Museum.

(C) COORDINATION OF ACTIVITIES.—Coordination of other activities of the affiliated museums and institutions to educate the people of the United States regarding the culture and heritage of African Americans.

(2) USE OF NAME OF NATIONAL MUSEUM.—The Board of Regents shall determine the circumstances under which an institution or a museum affiliated with the National African-American Memorial Museum under this subsection may use the name of the Memorial Museum in connection with the affiliated institution or museum.

(3) SCHOMBURG CENTER FOR STUDY OF AFRO-AMERICAN LIFE AND HISTORY AND THE NATIONAL MUSEUM OF AFRO-AMERICAN HISTORY AND CULTURE CENTER.—The Board of Regents, in consultation with the Board of Trustees, may make agreements and coordinate programs for cooperative research and other activities to promote the purpose of this Act with the Schomburg Center for Study of African-American Life and History in New York and the National Museum of Afro-American History and Culture Center in Wilberforce, Ohio, and other similar entities. The Schomburg Center and the National Museum of Afro-American History and Culture Center may become an affiliated institution in the manner provided under this subsection.

SEC. 9. AUDITS BY GAO.

The General Accounting Office shall review and audit annually the accounts of the Smithsonian Institution and the Board of Trustees that pertain to the Memorial Museum and shall report to the Congress the findings of the audits, together with any recommendations regarding the ability of the Memorial Museum to fulfill current and future obligations.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

(2) The term "Board of Trustees" means the Board of Trustees of the National African-American Memorial Museum established in section 5(a).

(3) The term "Memorial Museum" means the National African-American Memorial Museum established under section 3.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $10,000,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years.●

By Mr. ROTH:

S. 524. A bill to temporarily suspend the duty on Bendiocarb; to the Committee on Finance.

TEMPORARY DUTY SUSPENSION ON BENDIOCARB

● Mr. ROTH. Mr. President, I rise to introduce a bill to renew the temporary suspension of the duty on the chemical, 2,2,-dimethyl-1,3-benzodioxon-4-yl methylcarbamate, also know as bendiocarb.

I am introducing this bill on behalf of Nor-Am Chemical Co. of Wilmington.

Bendiocarb is a pesticide which is authorized for use by pest control companies in controlling fleas, ants, and roaches. It is widely used in hospitals, nursing homes, and other institutions.

I understand there continues to be no domestic production of this chemical in the United States.

Renewing the suspension of this 8.6-percent duty will assist Nor-Am to keep its production costs down, thereby strengthening the U.S. economy and enabling Nor-Am to be a stronger competitor in international markets. It will also assure that this product is more readily available for pest purposes.

I hope the Congress will act expeditiously to renew this duty suspension.●

By Mr. THURMOND:

S. 525. A bill granting an extension of patent to the United Daughters of the Confederacy; to the Committee on the Judiciary.

PATENT EXTENSION FOR THE DAUGHTERS OF THE CONFEDERACY

Mr. THURMOND. Mr. President, today, I rise to introduce legislation which will extend and renew the design patent for the insignia of the United Daughters of the Confederacy. This design patent was originally issued on November 8, 1898, and has been extended on numerous occasions since then. It was extended in 1926, 1941, 1955, and 1977. In November of this year, the patent will expire. In order to ensure continued protection for the insignia, Congress must pass this legislation.

Recently, I was contacted by the President of the United Daughters of the Confederacy, June H. Leake. Mrs. Leake informed me that continued protection of this insignia is vital to her organization.

Mr. President, legislation extending the statutory period for design patents for emblems or badges of patriotic, fraternal, or religious organizations is recognized by Congress as being meritorious and is commonplace. The United Daughters of the Confederacy is the outgrowth of a number of memorial, monument, and Confederate home associations which were organized after the Civil War. It was officially formed in 1890. In fact, I have been informed that the United Daughters of the Confederacy, by way of its consolidation with the auxiliaries of the Confederate Veterans Association, is the oldest patriotic organization in our country. The organization's objectives are noble. Members work to educate others about the Civil War and their work

honors the memory of those who served and those who fell in the service of the Confederate States of America.

Mr. President, it is important that Congress continues to assist and promote patriotic organizations. Passage of this measure will help ensure that the United Daughters of the Confederacy continues to prosper.

For these reasons, I urge my colleagues to support this legislation.

By Mr. THURMOND (for himself and Mr. SPECTER):

S. 526. A bill to extend for 10 years the patent for the drug Ethiofos—WR-2721—and its oral analog; to the Committee on the Judiciary.

PATENT EXTENSION FOR DRUG ETHYOL

Mr. THURMOND. Mr. President, today, I rise to introduce legislation, along with my colleague from Pennsylvania, Senator SPECTER, which will provide a 10-year patent extension for the drug Ethyol—WR-2721—and its oral analog. The extraordinary circumstances surrounding the development and health care potential for this drug warrants the consideration of granting a patent term extension.

Mr. President, U.S. Bioscience, an emerging, independent cancer research company, obtained the exclusive license for Ethyol in 1987. U.S. Bioscience has discovered that the drug has significant potential capability to prevent the most serious side effects of the major forms of the chemotherapy and radiotherapy, without reducing the efficacy of these treatments on cancerous tumors. Unfortunately, for the first 12 years of this drug's patent life, there were no significant development efforts undertaken by its owner and original licensee.

Mr. President, I have been informed that although U.S. Bioscience is pursuing an aggressive, clinical development program for the drug, the loss of exclusivity for the drug when the patent expires in 1992 will foreclose very promising, potential uses for the drug. According to the company, such potential uses include the prevention of cancers arising from exposure to radiation, be it from either therapeutic or accidental exposure, or from exposure to chemical carcinogens. Data has indicated that Ethyol and its oral analog have beneficial effects in many areas outside cancer including osteoporosis and colitis. Data has also shown potential uses for the drug in the fight against AIDS.

Unfortunately, despite the potential Ethyol holds, existing law does not permit U.S. Bioscience to retain the exclusivity it believes is necessary to bring the drug, or its analog, to market for the additional uses outlined. Apparently, this research will not be feasible unless further exclusivity is assured. Without the guarantee of exclusivity, research will not be conducted. Furthermore, neither the Drug Price Competition and Patent Term Restoration Act nor the Orphan Drug Act can provide the period of exclusivity U.S. Bioscience believes is necessary to permit full research and development of Ethyol. It is important to note, however, that the company has sought orphan drug status for Ethyol for use in the treatment of vovarian cancer. Yet, the narrow exclusivity extended under this status, apparently, provides no protection for other uses or research. In other words, it appears as though Ethyol will, in essence, sit on a shelf with much of its lifesaving potential untapped.

Mr. President, as I mentioned earlier, the first 12 years of the patent's life were largely inactive. Research in the field of radiation protection was initiated by the Army in the 1950's as part of a search for an agent that could be given to troops to protect them against the toxicities of radioactive fallout. Ethyol was developed under contract by the Army for that purpose and research was limited to a narrow scope. The Army officially concluded its research of Ethyol in 1988 and none of the research led to any new drug applications. Only through the recent efforts of U.S. Bioscience has Ethyol reached the stage where it has shown effective use in connection with the treatment of cancer in humans. Had the work of the past couple of years been undertaken during the early years of the patent's life, a patent extension might not be needed. Yet, the reality is that without further patent extension, much of this drug's great potential may remain unused.

Mr. President, U.S. Bioscience fully appreciates that a patent term extension is a rare form of legislative relief. It has demonstrated its sincerity by committing to share with the public a significant portion of the benefits that would accrue to the company from a patent term extension. The company has informed my office that it would be willing to supply all nuclear reactor sites with sufficient supplies of Ethyol in case of a meltdown type of disaster or other nuclear accident. In addition, it will voluntarily activate an indigent patient program to ensure that no patient will be denied Ethyol therapy. Furthermore, U.S. Bioscience will fund continuing research on Ethyol by financing payments to the National Cancer Institute.

In closing, legislation granting patent extensions for a particular drug are exceptional. However, the facts surrounding Ethyol, when combined with U.S. Bioscience's commitment to make the drug available to indigent patients, truly merit congressional consideration of a patent extension.

For these reasons, I urge my colleagues to consider this legislation.

Mr. President, I ask unanimous consent that the bill and a memorandum detailing the history of Ethyol be printed in the CONGRESSIONAL RECORD immediately following my remarks.

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

S. 526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce, acting through the Commissioner of Patents shall, when United States Patent Number 3,892,824 (relating to the drugs S-2-(3-aminopropylamino) ethyl dihydrogen phosphorothiate (Ethiofos) and S-3-(3-methylaminopropylamino) propyl dihydrogen phosphorothioate, including hydrates and alkali metal salts thereof) expires, or as soon thereafter as possible, extend such patent for ten years, with all the rights pertaining thereto.

Mr. SPECTER. Mr. President, today I join Senator THURMOND in introducing legislation to extend for 10 years a patent on the drug WR-2721 (Ethyol) and its oral analog. I commend Senator THURMOND for his leadership in introducing this important piece of legislation. U.S. Bioscience, a Pennsylvania drug research and development firm, is seeking this patent extension in order to continue valuable research that indicates the drug could potentially have significant effects in the treatment of cancer, AIDS, and related diseases.

U.S. Bioscience has conducted research on Ethyol since 1987 under an exclusive license. U.S. Bioscience's research shows that Ethyol may prevent serious side effects of chemotherapy and radiotherapy without reducing the effect of such treatments on cancerous tumors. Its research also indicates that Ethyol's cell-protective properties could allow doctors to prescribe higher doses of anticancer drugs more safely than is possible now.

In 1987, Bioscience obtained an exclusive license from Southern Research Institute [SRI] which had synthesized the drug following a study by the U.S. Army. The drug was the subject of a classified program by the U.S. Army to develop a radioproductive agent which could protect troops from exposure to radiation fallout, in particular from neutron bombs. The Department of Defense granted SRI the right to file a patent. Thus, the first patent was issued in 1975 under contract to the Army, and is due to expire in 1992.

When U.S. Bioscience's exclusivity lapses in 1992, commercialization of the drug for chemotherapy and radiotherapy will begin. The company, however, advises that the loss of exclusivity of research on Ethyol will foreclose the type of research it has conducted on the drug for its varied and expected applications. The company asserts that if the drug were to fall into the public domain, no other entity could perform the type of research that bioscience has the unique ability to do.

U.S. Bioscience represents that Ethyol has shown beneficial effects in many areas, including osteoporosis;

cardiac damage resulting from coronary bypass surgery; and protection against the toxicities of other anticancer agents such as Adriamycin, carboplatin, and mitomycin. Further, and equally significant, the company indicates that animal data show that Ethyol and a second generation oral analog, WR-151327, are capable of significantly reducing the bone marrow toxicity of AZT, an essential drug for AIDS and AIDS-related disorders.

The 10-year patent extension on this drug is necessary because existing law does not permit U.S. Bioscience to retain the exclusivity necessary to bring Ethyol to market for the additional uses outlined. The Patent Term Restoration Act, for example, permits 5 years of exclusivity from the date of approval for a new chemical entity. As mentioned, however, Ethyol has a number of additional potential uses that will take many years to develop. Therefore, under the Patent Term Extension Act, there is not sufficient time for U.S. Bioscience to conduct the necessary research to bring the drug to market for such additional uses. And, while the Orphan Drug Act statute provides 7 years of exclusivity for certain specified medical indications, I understand that Ethyol does not meet the specified criteria to provide complete exclusivity to cover the various potential new uses of the drug.

Mr. President, I believe that the company has performed valuable research that could have significant future effects in the areas of cancer and AIDS treatment. Again, I commend Senator THURMOND, the distinguished Senator from South Carolina and the ranking Republican on the Senate Judiciary Committee, for his leadership on this bill and look forward to working with him to ensure passage this year.

By Mr. BUMPERS (for himself, Mr. CRANSTON, and Mr. AKAKA):

S. 527. A bill to provide for the partial cancellation or repayment of Perkins and Stafford loans for student borrowers who perform a year or more of full-time, low-paid service as Peace Corps and VISTA volunteers, and comparable full-time, low-paid service with a tax-exempt community service organization in the private sector; to the Committee on Labor and Human Resources.

NATIONAL AND COMMUNITY SERVICE INCENTIVE ACT

• Mr. BUMPERS. Mr. President, today I am introducing the National and Community Service Incentive Act of 1991. This legislation would amend the Higher Education Act, which is due for reauthorization this year. The purpose of the bill is to provide for partial cancellation of student loans under the National Direct Student Loan and Guaranteed Student Loan Programs for people who serve full-time in nonprofit, tax-exempt community organizations. The bill would also provide for the same partial cancellation of Guaranteed Student Loans for Peace Corps and VISTA volunteers, who are already entitled to partial cancellation of national direct student loans under current law.

Last year my proposal was adopted by the Senate as part of the national and community service legislation. Much of my proposal was also adopted by the House in its version of the national service legislation. Unfortunately, my proposal was dropped in conference along with all other provisions that would have amended the Higher Education Act because the conferees believed that it made sense to defer consideration of all amendments to the Higher Education Act so that they could be considered as part of the reauthorization legislation.

I look forward to working with Senator KENNEDY, chairman of the Senate Labor and Human Services Committee, and Senator PELL, chairman of the Subcommittee on Education, to secure enactment of this legislation. I very much appreciate their strong support last year during consideration of the national and community service legislation and look forward to their continued support in this Congress.

My loan cancellation proposals would enable young people to provide community service by reducing the pressure they feel to begin repayment of student loans. This legislation would reduce this debt burden for students when they serve in full-time, low-paid jobs with nonprofit community service organizations. A student borrower would qualify for cancellation of 10 percent of national direct student loans or guaranteed student loans after 1 year of service, an additional 15 percent after the second year, 20 percent after the third year, and 25 percent after the fourth year. The maximum cancellation is 70 percent of the loans.

This bill specifies that, in order to qualify for loan cancellation, a student borrower working in a nonprofit community organization could earn a salary equal to the annualized minimum wage or 100 percent of the poverty line for a family of two. The legislation that introduced in the 101st Congress did not provide this alternative. I added it because the maximum compensation standard for participants in the American Conservation and Youth Corps Program and the Community Service Demonstration Program is tied to the poverty line. Providing compensation standards in the alternative avoids asymmetry between the National Service Act Programs and the partial loan cancellation provisions.

Many college graduates are unable to work in community service jobs because of the debts they have accumulated in order to attend college. In fact, in several surveys loan debts were the reason most frequently cited by students for not performing a period of community service. The need to secure a high paying job to repay student loans is a function of reality, not selfishness. I applaud this sense of responsibility for repayment of debts. I wish everyone felt that responsibility.

But the problem is that once a student takes that first paying job, he or she has passed by a major opportunity to provide service to the community. The first years after college are the perfect time for young people to provide service. They are less likely to be burdened with other responsibilities, such as children, mortgages, and career ladders.

My proposal is a cost-effective way to promote full-time voluntary community service. It encourages community service in the private sector while providing opportunities for young people to offer their services. Substantial financial sacrifices must be made by the participants, but the whole program carries a very low price to the Government.

This is an American model of voluntary service. It taps the diversity and energy of America's unique and independent nonprofit sector.

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. 527

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National and Community Service Incentive Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the dramatic increase in student loan indebtedness is one of the principal reasons why graduates of the Nation's colleges and universities do not believe they can afford to perform a year or more of full-time, low-paid community service upon graduation;

(2) providing for partial cancellation and repayment of such students' Perkins and Stafford loans will enable and encourage such students to perform a year or more of full-time, low-paid community service upon graduation;

(3) Peace Corps and VISTA volunteers already qualify for partial cancellation of Perkins loans and it is only fair that young persons who perform comparable full-time, low-paid service with tax-exempt community service organizations in the private sector receive the same incentive; and

(4) partial cancellation of Stafford loans, which form the largest share of Federal student loans, for Peace Corps and VISTA volunteers and for young persons who perform comparable service with a tax-exempt community service organization, will provide young persons a powerful additional incentive to perform a year or more of full-time, low-paid community service.

SEC. 3. PARTIAL CANCELLATION OF PERKINS LOANS.

(a) IN GENERAL.—Section 465(a)(2) of the Higher Education Act of 1965 (in this Act re-

ferred to as the "Act") (20 U.S.C. 1087ee(a)(2)) is amended—

(1) by striking out "or" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting a semicolon and "or"; and

(3) by adding at the end thereof the following new subparagraph:

"(F) as a full-time employee performing service comparable to the service described in subparagraph (E) for an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

(b) PERCENTAGE OF PARTIAL CANCELLATION.—Section 465(a)(3)(A) of the Act (20 U.S.C. 1087ee(a)(3)(A)) is amended—

(1) by striking "or" at the end of clause (iii);

(2) by amending clause (iv) to read as follows:

"(iv) in the case of service described in subparagraph (E) of paragraph (2) at the rate of 10 percent for the first year of such service, 15 percent for the second year of such service, 20 percent for the third year of such service, and 25 percent for the fourth year of such service; or ";

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2), at the rate of 10 percent for the first year of such service, 15 percent for the second year of such service, 20 percent for the third year of such service, and 25 percent for the fourth year of such service.".

(c) TECHNICAL AMENDMENT.—Section 464(c)(2)(A)(v) of the Act (20 U.S.C. 1087dd(c)(2)(A)(v)) is amended by striking "Internal Revenue Code of 1954" and inserting "Internal Revenue Code of 1986".

SEC. 4. PARTIAL REPAYMENT OF STAFFORD LOANS BY THE SECRETARY.

(a) IN GENERAL.—(1) Section 427(a)(2)(B)(ii) of the Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H),".

(2) Section 427(a)(2) of the Act (20 U.S.C. 1077(a)(2)) is amended by—

(A) striking out "and" at the end of subparagraph (G);

(B) redesignating subparagraph (H) as subparagraph (I); and

(C) inserting after subparagraph (G) the following new subparagraph:

"(H) provides (subject to the provisions of section 432(k)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or to perform comparable service as a full-time employee of an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act),

for the payment by the United States of the percent of the amount of loans specified in section 432(k)(5); and".

(b) INSURANCE PROGRAM.—(1) Section 428(b)(1)(D) of the Act (20 U.S.C. 1078(b)(1)(D)) is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(2) Section 428(b)(1) of the Act (20 U.S.C. 1078(b)(1)) is amended by—

(A) striking "and" at the end of subparagraph (U);

(B) striking the period at the end of subparagraph (V) and inserting a semicolon and "and"; and

(C) adding at the end thereof the following new subparagraph:

"(W) provides (subject to the provisions of section 432(k)) in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to serve as a volunteer for service under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or to perform comparable service as a full-time employee of an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act),

for the payment by the United States of the percent of the amount of loans specified in section 432(k)(5).".

(c) PARTIAL REPAYMENT BY THE SECRETARY.—Section 432 of the Act (20 U.S.C. 1082) is amended by adding at the end thereof the following new subsection:

"(k) PARTIAL REPAYMENT AUTHORITY.—(1) The Secretary shall enter into an agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(W) under which the borrower agrees to serve as a volunteer under the Peace Corps Act or under the Domestic Volunteer Service Act of 1973, or to perform comparable service as an employee of an organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 if the borrower does not receive compensation which exceeds the greater of—

"(A) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(B) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).

"(2) The agreement described in paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part pursuant to the partial repayment schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement described in paragraph (1) will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with such agreement.

"(3) The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) The Secretary shall waive or suspend any obligation of service or payment of any, or any part of, the loan to which the United States is entitled under this subsection whenever the Secretary determines that compliance by an individual with the agreement described in paragraph (1) is impossible or would involve extreme hardship to the individual.

"(5)(A) The percent of a loan which shall be paid by the United States under paragraph (2)(A) of this subsection is 10 percent for the first year of service described in paragraph (1), 15 percent for the second year of such service, 20 percent for the third year of such service, and 25 percent for the fourth year of such service.

"(B) If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) Nothing in this subsection shall be construed to authorize refunding of any repayment on the loan.".

SEC. 5. MAXIMUM COMPENSATION REQUIREMENT FOR DEFERMENT OF STAFFORD AND PERKINS LOANS.

(a) STAFFORD LOANS.—(1) Section 427(a)(2)(C)(v) of the Act (20 U.S.C. 1077(a)(2)(C)(v)) is further amended—

(A) by striking "volunteer for" and inserting "employee of"; and

(B) inserting before the semicolon at the end thereof the following: "if the borrower does not receive compensation which exceeds the greater of—

(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

(2) Section 428(b)(1)(M)(v) of the Act (20 U.S.C. 1078(b)(1)(M)(v)) is amended—

(A) by striking "volunteer for" and inserting "employee of"; and

(B) inserting before the semicolon at the end thereof the following: "if the borrower does not receive compensation which exceeds the greater of—

"(i) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(ii) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

(b) PERKINS LOANS.—Section 464(c)(2)(A)(v) of the Act (20 U.S.C. 1087dd(c)(2)(A)(v)) is amended—

(1) by striking "volunteer for" and inserting "employee of"; and

(2) inserting before the semicolon at the end thereof the following: "if the borrower does not receive compensation which exceeds the greater of—

"(A) the minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

"(B) an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act).".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after thirty days after the date of enactment of this Act.●

By Mr. MCCONNELL (for himself and Mr. FORD):

S. 528. A bill to amend title V of the Surface Mining Control and Reclama-

tion Act of 1977 to assist small surface coal mine operators, and for other purposes; to the Committee on Energy and Natural Resources.

ASSISTANCE TO SMALL COAL OPERATORS

• Mr. MCCONNELL. Mr. President, I am pleased to introduce today legislation to amend, update, and significantly improve the Small Operators Assistance Program, commonly referred to as the "SOAP" Program.

There is an old adage, "If it ain't broke, don't fix it." Well, in the case of the SOAP Program, we have a Federal program that is "broke" and desperately needs fixing. My bill, Mr. President, provides the fix.

The small operator is an important part of Kentucky's coal industry and makes a significant contribution to the economies of many coal-producing States. However, changes in the structure of the coal industry and the operation of coal markets have made it difficult for today's small operator to remain competitive.

The Small Operators Assistance Program was originally designed to help smaller coal operators compete with larger, diversified coal and energy companies. However, I hear constantly from my State's small coal operators about the ineffectiveness of the program. The problem, Mr. President, is that the program has failed to keep up with changes in the coal industry and coal markets.

The program's qualification requirements are now a disincentive to participation and are causing the SOAP Program to be grossly underutilized by those most in need of assistance. For those operators who do participate, the list of items for which assistance is available simply does not cover all of the requirements which must be met under today's coal mine permitting process.

Under current Federal law, a small operator is one who mines less than 100,000 tons of coal annually. The 100,000 ton limit is unrealistic and sets a level that is entirely too low. Additionally, once an operator is deemed eligible for assistance under the program, he cannot succeed. Should the program actually help him increase production to a level above 100,000 tons, the operator must reimburse the Federal Government for services he received.

As a result, many operators are forced to cut production in order to remain under the prescribed limit. Obviously, this runs counter to the intention of the SOAP Program. The goal of the program is to help the small operator increase production.

These and other problems have led to a steady decline in the utilization of and national expenditures on the SOAP Program. For the 6-year period ending 1990, annual expenditures averaged only $1.6 million, even though under the statute $10 million could be available annually. In Kentucky, applications for the assistance under the program have dropped to an average of 10 per year.

My legislation addresses these problems. It redefines the small coal operator as mining less than 300,000 tons. This establishes a much more realistic cap and will include those who most need assistance. The bill also expands the list of services which the program will provide to the small operator.

Qualifying operators will be able to request assistance with, among other things, the determination of probable hydrologic consequences, the development of cross section maps and plans, the geologic drilling and statement of results of test borings and core samplings, and the performance of preblast surveys and archeological and environmental studies. Also, funding will be made available to train small surface coal operators in the preparation of permit applications and regulatory compliance.

Mr. President, I am greatly encouraged by the positive changes to the Small Operators Assistance Program this legislation represents and hope my colleagues will join me in moving the bill towards final passage. The small coal operators of my State and of this country deserve a working SOAP Program.•

By Mr. DIXON:

S. 529. A bill to amend the Equal Credit Opportunity Act and the Home Mortgage Disclosure Act; to the Committee on Banking, Housing, and Urban Affairs.

FAIR LENDING ENFORCEMENT ACT

• Mr. DIXON. Mr. President, Today I am reintroducing the Fair Lending Enforcement Act of 1991. The Senate Banking Committee and the Senate unanimously approved this bill last year.

We started working on the issue of mortgage discrimination in October 1989, when the Subcommittee on Consumer and Regulatory Affairs held a hearing on the subject. The subcommittee heard troubling statistics which showed that blacks and minority neighborhoods got fewer loans and got rejected for loans more often than whites and white neighborhoods—even when incomes were comparable. We also heard about the inadequate regulatory response to this situation.

In May 1990 the subcommittee held a follow-up hearing. Some of the agencies reported new initiatives, which I commended. Yet, we still heard that the regulatory agencies find exceedingly few violations during examinations; never refer cases to the Justice Department; and have policies which do not adequately compensate victims of discrimination.

Mr. President, the time has come for Congress to act legislatively to improve enforcement of our fair lending laws. This bill would enhance enforcement of the Equal Credit Opportunity Act and, indirectly, the Fair Housing Act, which are the two overlapping laws dealing with mortgage discrimination. The bill has four parts.

Part one would require lenders to provide loan applicants with a copy of the appraisal, so long as the loan applicant has paid for it. In hearings we learned that discrimination may occur in the appraisal of a property. By providing the loan applicant with the appraisal, he or she—perhaps with the aid of counsel—will better be able to determine whether a racially discriminatory under appraisal was the reason for the loan denial. At our May hearing last year, every single witness supported this proposal.

Part two would require the regulatory agencies to establish separate consumer compliance programs with specially trained examiners, and the head of this consumer program would have to report directly to the head of the agency. Both the Federal Reserve and the Office of Thrift Supervision have testified that the only way for the agencies to be serious about consumer compliance is by having separate consumer examiners. Requiring the agencies to have separate consumer compliance programs, but not a separate consumer division, gives the agencies reasonable flexibility in their organizational structure.

Part three would require appropriate cases to be referred to the Department of Justice or the Department of Housing and Urban Development. Under current procedures, when a regulatory agency finds discrimination, it directs the depository institution to change any discriminatory policies or practices. Victims of discrimination are invited to reapply for loans, but full compensation for damages incurred is not sought. HUD, under the Fair Housing Act, is set up to conciliate claims and to handle damage claims in a more compensatory manner.

The bill also overturns a court case which inappropriately tied the Justice Department's hands in enforcing the Equal Credit Opportunity Act. Currently, Justice really brings ECOA cases because it can obtain only injunctive relief. The bill would allow Justice to seek actual and punitive damages under the limits already specified in the statute.

Part four would provide for a small-mortgage banker exemption from the Home Mortgage Disclosure Act. The new exemption would be tailored to the mortgage banking industry. The current $10,000,000 asset exemption—a drafting error in FIRREA—was not meant to apply to mortgage bankers and results in exempting all but about 30 mortgage banking companies throughout the United States.

In conclusion, I remind my colleagues that there is too much evi-

dence of discrimination in mortgage lending for Congress to stand by without acting. Mortgage discrimination is illegal under more than four different statutes. What we need today is better enforcement of those laws. This bill takes a very practical, reasonable approach to strengthening enforcement of our fair lending laws. I ask my colleagues to join with me in supporting the Fair Lending Enforcement Act of 1991. America's working families, of all races, have earned their fair share of the American dream. Their rights to be free from discrimination in lending must be vigorously enforced.

Mr. President, I ask unanimous consent that a copy of this bill be printed at this point in the RECORD.

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

S. 529

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Lending Enforcement Act of 1991".

SEC. 2. APPRAISALS.

Section 701 of the Equal Credit Opportunity Act (15 U.S.C. 1691) is amended by adding at the end the following:

"(e) Each creditor shall promptly furnish an applicant, upon written request by the applicant made within a reasonable period of time of the application, a copy of the appraisal report used in connection with the applicant's application for a loan that is or would have been secured by a lien on residential real property. The creditor may require the applicant to reimburse the creditor for the cost of the appraisal.".

SEC. 3. CONSUMER COMPLIANCE PROGRAMS.

(a) FDIC.—The Federal Deposit Insurance Act is amended by adding at the end the following:

"SEC. 35. CONSUMER COMPLIANCE PROGRAM.

"(a) ESTABLISHMENT REQUIRED.—Each appropriate Federal banking agency shall establish a separate consumer compliance program. The head of the consumer compliance program shall report directly to the head of the agency.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CONSUMER COMPLIANCE EXAMINATION.—The term 'consumer compliance examination' means an examination of an insured depository institution to determine the extent to which such institution is in compliance with all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws.

"(2) CONSUMER COMPLIANCE EXAMINER.—The term 'consumer compliance examiner' means an examiner who specializes in assessing compliance with all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws.

"(c) CONSUMER COMPLIANCE EXAMINATIONS.—

"(1) FREQUENCY.—Each appropriate Federal banking agency shall conduct a separate on-site consumer compliance examination of each insured depository institution within its jurisdiction either at least once every 2 years, or as frequently as the agency conducts regular on-site safety and soundness examinations of such institution, whichever is less frequent.

"(2) CONDUCTED BY CONSUMER COMPLIANCE EXAMINERS.—Consumer compliance examinations shall be conducted by consumer compliance examiners under the supervision or oversight of the head of the consumer compliance program.

"(3) EXAMINATION UPON REQUEST UNDER CERTAIN CIRCUMSTANCES.—Any bank holding company or savings and loan holding company which controls an insured depository institution which determines that a consumer examination of such depository institution may be appropriate to expedite an application or notice for a deposit facility described in section 803(3) of the Community Reinvestment Act of 1977 (12 U.S.C. 2902(3)) may request in writing the appropriate consumer compliance program to conduct an examination of the depository institution pursuant to paragraph (1).

"(d) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities established by subsection (c), the head of each consumer compliance program shall—

"(1) develop procedures for consumer compliance examinations and other procedures necessary to implement all applicable laws relating to consumer protection, including fair lending and community reinvestment laws;

"(2) train and supervise or oversee consumer compliance examiners;

"(3) develop career paths for consumer compliance examiners comparable to those for safety and soundness examiners;

"(4) respond to consumer complaints and inquiries;

"(5) undertake supervisory action and initiate enforcement proceedings with respect to all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws;

"(6) make recommendations to its agency concerning policies and adopt policies with respect to all applicable laws and regulations relating to consumer protection, including fair lending and community reinvestment laws; and

"(7) perform any other duties and functions related to the consumer compliance program.

"(e) EFFECTIVE DATE.—The establishment of separate consumer compliance programs in each of the agencies shall be completed no later than January 1, 1993.

"(f) REPORTS.—Each consumer compliance program shall prepare an annual report describing its activities. Such report shall be transmitted to the Congress or included in the agency's annual report to the Congress.".

(b) NCUAB.—Title I of the Federal Credit Union Act is amended by adding at the end the following:

"SEC. 130. CONSUMER COMPLIANCE PROGRAM.

"(a) ESTABLISHMENT REQUIRED.—The Board shall establish a separate consumer compliance program. The head of the consumer compliance program shall report directly to the Board.

"(b) DEFINITIONS.—For purposes of this section—

"(1) CONSUMER COMPLIANCE EXAMINATION.—The term 'consumer compliance examination' means an examination of an insured credit union to determine the extent to which such credit union is in compliance with all applicable laws and regulations relating to consumer protection, including fair lending laws.

"(2) CONSUMER COMPLIANCE EXAMINER.—The term 'consumer compliance examiner' means an examiner who specializes in assessing compliance with all applicable laws and regulations relating to consumer protection, including fair lending laws.

"(c) CONSUMER COMPLIANCE EXAMINATIONS.—

"(1) FREQUENCY.—The Board shall conduct a separate on-site consumer compliance examination of each credit union within its jurisdiction either at least once every 2 years, or as frequently as the Board conducts regular on-site safety and soundness examinations of such credit union, whichever is less frequent.

"(2) CONDUCTED BY CONSUMER COMPLIANCE EXAMINERS.—Consumer compliance examinations shall be conducted by consumer compliance examiners under the supervision or oversight of the head of the consumer compliance program. The Board may consider the size of the institution, the sophistication of its portfolio, and the complexity of the consumer compliance examination issues presented in determining whether to assign to a particular examination a consumer compliance examiner who exclusively conducts consumer compliance examinations or an examiner who has only received specialized training in consumer compliance examinations. In making this determination the Board shall also consider whether substantive questions of compliance have been raised in previous examinations or in comments or complaints from the public."

"(d) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities established by subsection (c), the head of the consumer compliance program shall—

"(1) develop procedures for consumer compliance examinations and other procedures necessary to implement all applicable laws relating to consumer protection, including fair lending laws;

"(2) train and supervise or oversee consumer compliance examiners;

"(3) develop career opportunities for consumer compliance examiners comparable to those for safety and soundness examiners;

"(4) respond to consumer complaints and inquiries;

"(5) undertake supervisory action and initiate enforcement proceedings with respect to all applicable laws and regulations relating to consumer protection, including fair lending laws;

"(6) make recommendations to its agency concerning policies and adopt policies with respect to all applicable laws and regulations relating to consumer protection, including fair lending laws; and

"(7) perform any other duties and functions related to the consumer compliance program.

"(e) EFFECTIVE DATE.—The establishment of a separate consumer compliance program shall be completed no later than January 1, 1993.

"(f) REPORTS.—The consumer compliance program shall prepare an annual report describing its activities. Such report shall be transmitted to the Congress or included in the Board's annual report to the Congress.".

(g) STATE CHARTERED CREDIT UNIONS.—Section 204 of the Federal Credit Union Act is amended by adding after the second sentence a new sentence to read: "The Board shall conduct consumer compliance examinations as set forth in section 130 of State chartered insured credit unions only if the appropriate State supervisory agency has not established an examination program similar to that described in section 130.

SEC. 4. ENFORCEMENT OF EQUAL CREDIT OPPORTUNITY ACT.

(a) PATTERN OR PRACTICE.—Section 706(g) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(g)) is amended by adding at the end the following: "Each of the agencies referred to in paragraphs (1), (2), and (3) of section 704(a) shall refer the matter to the Attorney General whenever it has reason to believe that 1 or more creditors has engaged in a pattern or practice of discouraging or denying applications for credit in violation of section 701(a) of this title. Each of such agencies is authorized to refer the matter to the Attorney General whenever it has reason to believe that 1 or more creditors has violated section 701(a) of this title.".

(b) DAMAGES.—Section 706(h) of the Equal Credit Opportunity Act (15 U.S.C. 1691e(h)) is amended by inserting "actual and punitive damages and" after "including".

(c) NOTICE TO HUD.—Section 706 of the Equal Credit Opportunity Act (15 U.S.C. 1691e) is amended by adding at the end the following:

"(k) Whenever an agency referred to in paragraph (1), (2), or (3) of section 704(a) has reason to believe that a violation of this title has occurred, as a result of receiving a consumer complaint, conducting a consumer compliance examination, or otherwise, and that the alleged violation would be a violation of the Fair Housing Act (42 U.S.C. 3601 et seq.), and the agency does not refer the matter to the Attorney General pursuant to subsection (g), it shall—

"(1) notify the Secretary of Housing and Urban Development of the violation; and

"(2) notify the applicant that the Secretary of Housing and Urban Development has been notified of the alleged violation and that remedies for the violation may be available under the Fair Housing Act".

SEC. 5. HOME MORTGAGE DISCLOSURE ACT.

(a) IN GENERAL.—Section 309 of the Home Mortgage Disclosure Act (12 U.S.C. 2808) is amended—

(1) by striking "depository" before "institution";

(2) by inserting "specified in section 303(2)(A)" after "institution"; and

(3) by adding at the end the following: "The Board, in consultation with the Secretary, may exempt institutions described in section 303(2)(B) that are comparable within their respective industries to institutions that are exempt under the preceding sentence.".

(b) EFFECTIVE DATE.—This section shall become effective on January 1, 1992.●

By Mr. DIXON (for himself, Mr. SIMON, and Mr. DASCHLE):

S. 530. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent gross income limitation on regulated investment companies; to the Committee on Finance.

REPEAL OF LIMITATION ON INVESTMENTS IN CERTAIN REGULATED COMPANIES

● Mr. DIXON. Mr. President, together with my colleagues, Senators SIMON and DASCHLE, I am today introducing legislation to repeal the "30 percent rule" in section 851(b)(3) of the Internal Revenue Code. This provision, also known as the "short-short rule," restricts the ability of mutual fund managers to utilize conservative risk management strategies that are available to individual investors.

Mutual funds are "pass through" entities. This means that they distribute their income to their individual investors, and do not pay a corporate tax. The investors are taxed on the income earned by the fund. The short-short rule, however, effectively imposes the corporate income tax on a mutual fund which receives 30 percent or more of its income from gain on the sale of stocks, options and other assets held for less than 3 months. By imposing the corporate tax on a fund, the 30 percent rule creates a double tax burden, and significantly reduces the rate of return which investors receive. Individuals investing directly, instead of through a mutual fund, are not subject to this "double tax" problem.

When the rule was enacted in 1936, there was no clear statement of its purpose. Perhaps it was intended to prevent mutual fund managers from "churning" or trading excessively to generate sales commissions. Or perhaps it was designed to prevent mutual fund managers from "speculating" with their investors' resources.

But whatever the original intention was, the rule no longer reflects the realities of our present day financial markets. In a market as competitive as ours, a fund manager is effectively prevented from churning because commission expenses lessen a fund's profit performance, which in large part determines whether the manager remains employed by the fund. Additionally, the Investment Company Act of 1940 requires the disclosure of proposed investment strategies in a prospectus, which enables the potential investor to choose a fund which meets that investor's desired level of conservative or speculative objectives.

The only real effect of the rule is to restrain a fund manager from using many conservative, but sophisticated, investment strategies solely because those strategies would generate short-term gains. Take, for example, the common practice of hedging investments, which assures that any unrealized gains in one or more stocks held by the fund are not diminished or lost by a market decline. Stock options are purchased, or sold, by fund managers to establish positions which will vary inversely in value with one another. If the stock begins to decline, the value of the options will rise and protect the fund against losses.

Under the 30-percent rule, the problem with this approach is that options, by their very nature, produce short-term gains. A mutual fund, therefore, cannot fully utilize them, regardless of their benefit to the fund's investors, because doing so would run the risk of triggering the short-short rule and result in substantial new costs. So, while conservative hedging strategies are designed to protect mutual funds investors' economic returns, the short-short rule means these strategies would have the opposite effect—significantly reducing investor profits.

Furthermore, because the short-short rule effectively prevents fund managers from utilizing hedging strategies, incentives are created for funds to sell stocks if a market decline is anticipated, even if the long-term outlook for the stock is good.

The problems generated by the 30-percent rule have been encountered all too often in recent years. For example, as was reported in the Wall Street Journal on January 25, 1988, Elaine Garzarelli, a mutual fund manager at Shearson Lehman Brothers, Inc., anticipated the October 1987 crash of the stock market and took action in advance to protect the fund she managed. She invested the fund's assets in cash, in 2-year Treasury bills, and in "PUT" options on stocks. The options increased in value when the market fell, thereby generating gains to offset the reduced values of longer-term assets. However, these short-term gains exceeded 30 percent of the fund's gross income for the year. Thus, the fund had to pay a 34-percent tax on all of its income for the year. The end result was a decreased return to its investors, even though the fund's manager took prudent risk-management steps and avoided substantial losses to those average, individual investors.

This is just one example of how the rule impairs effective risk-management and harms small investors. There are many others.

There is an exception to the 30-percent rule which seeks to exempt positions which constitute a "designated hedge". This provision recognizes the need to allow funds to use risk management strategies. Unfortunately, the exception is so limited in its scope and so difficult to administer that it has not been effective.

Financial markets are much more sophisticated than they were 50 years ago. Mutual funds are the means through which the average investor can undertake investment plans which benefit from the quality of advice and management that is otherwise available only to the well-to-do investors. It is time for the 30-percent rule to be repealed.

Mr. President, I ask unanimous consent that a copy of the bill be included at this point in the RECORD.

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

S. 530

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

SECTION 1. REPEAL OF 30-PERCENT GROSS INCOME LIMITATION ON REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (b) of section 851 of the Internal Revenue Code of 1986 (relating to limitations) is amended by inserting "and" at the end of paragraph (2), by

striking paragraph (3), and be redesignating paragraph (4) as paragraph (3).

(b) CONFORMING AMENDMENTS.—

(1) The material following paragraph (3) of section 851(b) of the Internal Revenue Code of 1986 (as redesignated by subsection (a)) is amended—

(A) by striking "paragraphs (2) and (3)" and inserting "paragraph (2)", and

(B) by striking the last sentence thereof.

(2) Subsection (c) of section 851 of such Code is amended by striking "(b)(4)" each place it appears in the text and heading and inserting "(b)(3)".

(3) Subsection (d) of section 851 of such Code is amended by striking "subsections (b)(4)" and inserting "subsections (b)(3)".

(4) Paragraph (1) of section 851(e) of such Code is amended by striking "subsection (b)(4)" and inserting "subsection (b)(3)".

(5) Paragraph (4) of section 851(e) of such Code is amended by striking "subsections (b)(4)" and inserting "subsections (b)(3)".

(6) Section 851 of such Code is amended by striking "subsection (g) and by redesignating subsection (h) as subsection (g).

(7) Subsection (g) of section 851 of such Code (as redesignated by paragraph (6)) is amended by striking paragraph (3).

(8) Section 817(h)(2) of such Code is amended—

(A) by striking "851(b)(4)" in subparagraph (A) and inserting "851(b)(3)", and

(B) by striking "851(b)(4)(A)(i)" in subparagraph (B) and inserting "851(b)(3)(A)(i)".

(9) Section 1092(f)(2) of such Code is amended by striking "Except for purposes of section 851(b)(3), the" and inserting "The".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.•

By Ms. MIKULSKI:

S. 531. A bill to amend the Internal Revenue Code of 1986 to exclude certain pay of the merchant marine serving in combat zones; to the Committee on Finance.

TAX TREATMENT OF CERTAIN MERCHANT MARINE PAY

• Ms. MIKULSKI. Mr. President, I rise today to introduce legislation recognizing some American war heroes—this country's merchant marine. We don't read about these men and women in the papers, or see them on the evening news. They work behind the scenes. They spend months in dangerous waters and foreign ports, separated from their families. They risk their lives in minefields and combat zones, sailing where foreign crews will not go. When their country calls, they are the first to volunteer. But America's merchant mariners don't get the recognition and the thanks they deserve.

Today, Kuwait is free again, and it seems as if the fighting in the gulf may finally be over. In one of the most astounding military operations ever, Kuwait has been liberated and Saddam driven back to Baghdad in 6 short weeks. All Americans should be proud of what our troops have done.

But we cannot forget any of the men and women who made this victory possible. Our merchant mariners were a critical link in the chain. They ferried the Patriot missiles and the M-1 tanks. They hauled the gas masks chemical warfare suits. The TV pictures of Iraqi troops—ragged and starving—drive home the critical importance of the task our merchant marines undertood. They helped build a city the size of Baltimore in the middle of the desert and carried cargoes that foreign crews wouldn't. They willingly sailed into mined waters and docked at ports targeted for Scud missile attacks. And these merchant mariners served as volunteers, leaving their jobs and families behind.

My bill recognizes the effort and sacrifice of our merchant mariners, and rewards them for putting their lives at risk. This bill simply makes income earned by merchant mariners in a combat zone tax exempt, up to $2,000 per month. It follows the logic of another bill, introduced by Senator GLENN, which I strongly support. It makes military income earned in a combat zone tax-exempt up to a limit of $2,000 per month for officers, and unlimited for enlisted men and women. My legislation recognizes that the success of those troops depended on the courage and sacrifice of our merchant marines.

Mr. President, I ask unanimous consent that the text of this bill be included in the RECORD.

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

S. 531

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

SECTION 1. CERTAIN PAY OF MERCHANT MARINE SERVING IN COMBAT ZONES EXCLUDED.

(a) IN GENERAL.—Section 112 of the Internal Revenue Code of 1986 (relating to certain combat pay of members of the Armed Forces) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively,

(2) by inserting after subsection (b) the following new subsection:

"(c) MERCHANT MARINE.—Gross income does not include so much of the compensation as does not exceed $2,000 for service by an individual in the United States merchant marine in support of the Armed Forces of the United States for any month during any part of which such individual—

"(1) served in a combat zone, or

"(2) was hospitalized as a result of wounds, disease, or injury while serving in a combat zone.

Paragraph (2) shall not apply for any month beginning more than 2 years after the date of the termination of combatant activities in such zone.", and

(3) by inserting **"AND MERCHANT MARINE"** after **"FORCES"** in the heading thereof.

(b) CLERICAL AMENDMENT.—The item relating to section 112 in the table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting "and merchant marine" after "Forces".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 16, 1991.•

By Mr. BOREN (for himself, Mr. PRYOR, and Mr. BAUCUS):

S. 532. A bill to amend the Internal Revenue Code of 1986 to prohibit the retroactive application of Treasury Department regulations and rulings; to the Committee on Finance.

TAXPAYER REGULATORY RELIEF ACT

• Mr. BOREN. Mr. President, I rise today along with my colleagues Senators PRYOR and BAUCUS to introduce the Taxpayer Regulatory Relief Act of 1991. This legislation is designed to prohibit the Treasury Department, specifically the Internal Revenue Service [IRS], from writing retroactive regulations. This bill is nearly identical to S. 3161, introduced by Senator PRYOR and myself in the 101st Congress.

Under present practice, the IRS often issues regulations years after a statutory change and then applies the regulations retroactively to those taxpayer transactions occurring after enactment of the statute but before the publishing of the regulation. I believe this practice to be both unfair to taxpayers and damaging to the economy.

Retroactive regulation is unfair to taxpayers because it changes the rules in the middle of the game. Taxpayers should not be forced to try to outguess the IRS. This practice is also bad for the economy because it has a chilling effect on legitimate business transactions. Many small companies will not engage in certain tranasctions out of fear of retroactive tax treatment.

Mr. President, this bill provides that all IRS regulations are to prospective from their date of issuance in final form. During the interim period between the statutory change and the final regulation, taxpayers will be considered to have satisfied the regulatory requirements if they make a reasonable good-faith effort to interpret the statute and that effort results in substantial compliance. Congress will still have the option to grant an exception to this prohibition if we desire to authorize the Treasury Department to issue retroactive regulations with respect to a specific statutory change.

Mr. President, this legislation has enthusiastic support from the small business community. I have received dozens of phone calls and letters from across the Nation urging the bill's reintroduction and passage. I urge my colleagues to consider the detrimental effects of retroactive regulation and to join us as cosponsors. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 532

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Regulatory Relief Act of 1991".

SEC. 2. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS AND RULINGS.

Subsection (b) of section 7805 of the Internal Revenue Code of 1986 (relating to rules and regulations) is amended to read as follows:

"(b) RETROACTIVITY OF REGULATIONS OR RULINGS.—

"(1) IN GENERAL.—Any final, temporary, or proposed regulation or ruling issued by the Secretary shall apply prospectively from the date of publication of such regulation or ruling in the Federal Register.

"(2) CONGRESSIONAL AUTHORIZATION.—The prospective only treatment of paragraph (1) may be superseded by a specific legislative grant from Congress authorizing the Secretary to prescribe the effective date with respect to a statutory provision."

SEC. 3. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to any temporary or proposed regulation published as a final regulation after March 1, 1991.●

● Mr. PRYOR. Mr. President, I rise to support the Taxpayer Regulatory Relief Act of 1991. Other than changing the effective date to today, it is identical to legislation Senator BOREN and I introduced last Congress (S. 3161) and would prohibit the Treasury and IRS from retroactively applying final regulations unless specifically authorized to do so by Congress. The issue itself was originally presented as a recommendation of the House Ways and Means Committee majority staff in its April 20, 1990, tax simplification recommendations—published by the Committee May 25, 1990. I applaud Chairman ROSTENKOWSKI and his staff for their insight on this important issue.

All of us are aware of the recent alarming trend of the Treasury and IRS to release regulations in proposed temporary form which have clearly retroactive effect. One that comes to mind immediately is the Sub S "One Class of Stock Requirement" issue, but there are several others. Incidentally, the Sub S regulations could not have been issued in retroactive form if last year's legislation had been enacted.

As a member of the Finance Committee, I follow the lead of my chairman in his distaste for retroactive legislation. I believe retroactive regulations are patently unfair and poor economic policy as well. Neither Congress not the regulators should be able to change the rules of the game in midstream. Generally, the bill provides that all final, temporary, or proposed regulations to implement legislative guidelines issued by Treasury and the IRS are to be prospective from the date of issuance in final form. In the interim between the effective date of the statute and the effective date of the regulations, taxpayers will be deemed to have satisfied the necessary requirements if they made a good-faith, reasonable effort to interpret the statute that results in substantial compliance.

The general rule requiring that the regulations be prospective could be superseded by a specific legislative grant authorizing the Treasury to issue regulations retroactively with respect to a specific statutory provision.

The bill would apply to any temporary or proposed regulation published as a final regulation in the Federal Register after March 1, 1991.

Last year's legislation had the enthusiastic support of the small business community and I expect even greater support this year as this legislation becomes more well known.

I urge all my colleagues who oppose retroactivity to cosponsor this legislation.●

By Mr. GLENN (for himself, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. KOHL, Mr. LEVIN, Mr. GORE, Mr. SARBANES, Mr. LEAHY, Mr. NUNN, Mr. REID, Mr. ADAMS, Mr. KERRY, Mr. MOYNIHAN, Mr. SANFORD, Mr. STEVENS, Mr. JEFFORDS, Mr. DECONCINI, Ms. MIKULSKI, Mr. BRADLEY, Mr. COHEN, Mr. SASSER, and Mr. AKAKA):

S. 533. A bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF THE ENVIRONMENT ACT

● Mr. GLENN. Mr. President, last year, the Committee on Governmental Affairs, which I chair, held 3 days of hearings on and passed S. 2006, the Department of the Environment Act of 1990. That bill, which I introduced along with Senator ROTH, had the full support of the President. Despite months of negotiations and compromise with other committees we were frustrated in our efforts to pass this important legislation.

Today I am introducing an updated version of that bill, the Department of the Environment Act of 1991. This new legislation reflects agreement among three separate committees which had expressed concerns about certain of its provisions.

The bill being introduced today includes the proposal to elevate the Environmental Protection Agency to cabinet-level status, the establishment of a Bureau of Environmental Statistics, and the creation of a Commission on Improving Environmental Protection. In addition, the legislation calls for convening an international meeting on energy efficiency and renewable energy resources, and encourages the establishment of an office within the U.N. and the World Meteorological Organization to monitor greenhouse gas emissions on a country-by-country basis.

Mr. President, the reasons for making the EPA a Cabinet-level Department are just as compelling now as they were when we held our committee hearings last February.

The Environmental Protection Agency is our Nation's primary institutional safeguard to ensure that the air we breathe, the water we drink and the wastes we dispose of are not harmful to our quality of life. Since the EPA was created in 1970, its workload has grown in proportion with burgeoning environmental problems and often complex Federal laws to address them. However, it has become painfully apparent that the status of the EPA does not reflect the magnitude of the environmental challenge it now faces.

It is a fact of diplomatic life, for example, that the seriousness with which one views another government's concerns is influenced by the stature of the person who articulates them. A subcabinet EPA sends the wrong signal to the rest of the world about the priority and leadership given by the United States to the cause of global environmental protection. As we have seen in the latest developments from the Persian Gulf, a highly visible Department of the Environment will be critical in effectively addressing environmental disasters abroad. Indeed, the real and potential impacts on the human environment of our fragile Earth may be of such magnitude that they will require a level of attention never before imagined both abroad and here at home.

Public concern in the United States over the environment has grown enormously over the last decade. American citizens have come to learn that environmental protection touches almost every aspect of their lives. Concern over the food we eat, the water we drink and air we breathe is now dominating the public policy agenda of this country.

The United States must provide aggressive leadership toward a solution of domestic and global environmental problems. To do otherwise would consign the quality of life of all Americans to the decisions of other nations and cede our moral obligation to protect the global commons we all share.

Having had the rare privilege to view the Earth in all of its beauty and grandeur from space, I am struck by how thin and fragile the environment is that sustains life on our planet. This vision, I am gratified to find, is increasingly becoming widely shared. Through the hard work and persistence of people who have dedicated their lives to protecting the environment, we stand at the threshold of an important and positive change. I am more confident than ever that the creation of a Department of the Environment will strengthen our Nation's commitment to help protect this delicate and wonderful planet. It is my hope that the Senate will pass and the President will sign into law this important legislation.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join Sentor GLENN in in-

troducing legislation to make the Environmental Protection Agency a Cabinet-level department. A Department of the Environment is an idea whose time has come. It will help us to address the critical environmental problems we face.

Mr. President, one of our greatest challenges over the next few years is in restoring the integrity of our environment.

We have seen the results of 8 years of neglect:

Oceans too dirty to swim in and too polluted for fish to live in;

Water too toxic to drink;

Air too dirty to breathe;

Rain too acidic for trees to grow; and

Land too contaminated to ensure the health of our citizens.

And these problems are becoming global in nature. Destruction of rain forests in South America, air pollution in Europe, use of CFC's in Japan, extinction of species in Africa and wasteful energy practices in the United States affect citizens in other parts of the globe.

Elevation of EPA to Cabinet-level status would serve two important functions.

First, it would be symbolic of a new commitment to protect the environment. It would demonstrate to the people in the United States and to other nations that the United States puts a high priority on preserving the environment and enhancing the public health and welfare.

After all, as Jay Hair of the National Wildlife Federation recently wrote, "The Nation's quality of life is determined more directly by EPA than by any other cabinet-level department."

Second, and more importantly, it will enhance the ability of EPA to do its job.

It will give EPA increased clout in:

Obtaining necessary funding;

Working with other departments whose actions affect the environment;

Making national policy decisions; and

Dealing with other nations who send Cabinet-level ministers to meetings to discuss environmental issues.

I believe that we can meet the environmental challenges we face. Making EPA a Cabinet-level department in and of itself is not enough. We need more funding, tougher enforcement and stronger leadership. But a Department of the Environment will help provide this leadership and initiative.

I urge my colleagues to support this legislation.●

● Mr. COHEN. Mr. President, I am pleased to be joining several of my colleagues, led by Senator GLENN, in reintroducing legislation that elevates the Environmental Protection Agency to a Cabinet position.

In the last Congress, I was cosponsor of Senator DURENBERGER's original bill as well as Senator GLENN's subsequent legislation to create a Department of the Environment and I regret that we did not complete action on those bills last year. I support the reintroduction of legislation to accomplish this goal, and I believe the arguments for these bills are as compelling now as they were then.

As greater environmental difficulties confront us, it is important that environmental considerations and background information be available at the highest levels. The inclusion of the Federal agency responsible for environmental protection during high-level Cabinet discussions sends an important signal to the American people that the pervasive environmental problems we face will be fought under the authority of the President of the United States and not just by a lower level administrator.

This legislation is more than symbolic, however. There are a number of issues involving environmental protection that will be discussed by the President's Cabinet, and I believe our policies will be more sound if the agency responsible for that protection is present when important decisions are made.

Very difficult problems await our President's attention, including the depletion of the ozone level of the atmosphere, global warming impacts, the cleanup of hazardous wastes at Federal facilities, the solid waste crisis, and the elimination of serious air and water pollution throughout the country. The current Environmental Protection Agency has important responsibilities in developing the means to address these problems, but there are also issues in which other Cabinet-level departments play crucial roles. As the Secretary of State discusses international negotiations on the reduction of chlorofluorocarbon production, shouldn't the Department of Environmental Protection be present at the table to participate in the discussion? As the Secretary of Energy raises the issue of hazardous waste cleanup at our Federal defense facilities, shouldn't the Secretary of Environmental Protection play an integral part in developing a plan to facilitate that cleanup? I firmly believe that the answer to those questions is a resounding "Yes."

The environment is crying out for help, as is evidenced by the significant problems we face—solid waste disposal, hazardous waste cleanup, air and water pollution, the degradation of our oceans, the loss of ground water resources and wetlands, the depletion of the ozone layer, and the greenhouse effect. The many challenges are complex and require attention at the highest levels, or the world we leave our children and grandchildren will be a sorry one.

As we talk about the need to focus increased attention on the significant environmental problems that confront us, let us remember to think about ways of putting those words into action. This legislation is one way of doing so, and I look forward to its enactment.●

By Mr. LOTT (for himself, Mr. THURMOND, Mr. WARNER, Mr. COATS, Mr. SMITH, Mr. MACK, and Mr. FORD):

S. 534. A bill to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Housing, and Urban Affairs.

PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO GEN. H. NORMAN SCHWARZKOPF

Mr. LOTT. Mr. President, I am introducing at this time on behalf of myself, Senator THURMOND, Senator WARNER, Senator COATS, Senator MACK, Senator SMITH, and Senator FORD, and hopefully a number of others, a bill to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf, and provide for production of bronze duplicates of such medal for the sale to the public.

I send this legislation to the desk, and I will speak briefly in behalf of this legislation.

Its purpose, as I have pointed out, is to honor General Schwarzkopf with the award of the Congressional Gold Medal.

There have been a limited number of medals awarded over the years, but just a few military leaders have received this recognition: Fleet Adm. Earnest King in World War II; General of the Army, George Marshall, World War II; Gen. John J. Pershing for heroic achievements; Admiral Rickover, on two occasions; and General MacArthur for gallant service; and a number of private citizens.

What we have seen with General Schwarzkopf certainly puts him on a scale with these other heroes. He should be recognized for what he has done and for all of those in his command, all the men and women who worked with him.

The efforts of General Schwarzkopf and our coalition forces have decisively crushed the Iraqi aggressor forces. As of yesterday, United States and coalition forces had destroyed 40 of 42 Iraqi Army divisions. Saddam's navy is no longer a threat, and his air force now resides in Iran.

In a matter of weeks, the world's fourth largest army has been eliminated. It truly has been an historic effort with tremendous leadership from General Schwarzkopf. The strategy and the planning have been responsible for the success we have seen. We are pleased with the very light casualties that we have experienced. That is due to the strategy and the planning and the type of diversions that we saw to

keep the Iraqis from really understanding what we were doing.

The Congressional Gold Medal is a national award for a national hero. General Schwarzkopf has led the high-noon showdown at the Kuwait corral and has come away a victor. Anything less than national recognition would be deficient.

I urge my colleagues to join me in sponsoring this legislation. General Schwarzkopf, together with his able staff and subordinate commanders, has valiantly led the men and women of our armed services. He deserves such recognition for his own effort and that of all the others who have been involved in this very tremendous experience and fine victory.

The country is fortunate to have men like General Schwarzkopf, and this award is our small attempt to express our national pride and appreciation for him.

I urge my colleagues to join me in sponsoring this legislation so we can obtain its early passage.

By Mr. PACKWOOD:

S. 535. A bill to amend section 303 of Public Law 96-451 to authorize the Secretary of the Interior to expend funds from the Reforestation Trust Fund for the reforestation of certain lands in the State of Oregon, and for other purposes; to the Committee on Finance.

REFORESTATION TRUST FUND

• Mr. PACKWOOD. Mr. President, I rise today to introduce legislation that will expand the reforestation trust fund [RTF] to address the reforestation and forest development needs of the Bureau of Land Management.

In 1980, the reforestation trust fund was established by Congress to reforest thousands of acres of national forest lands in the Pacific Northeast. Growing forests are the lifeblood of this region. I am pleased to report that the trust fund has accomplished its original goal of eliminating the Forest Service's reforestation backlog. Today, the RTF is used by the Forest Service to supplement their appropriations for their reforestation and timber stand improvement projects. The Forest Service receives $30 million annually from the trust fund. This money provides a stable source of funds for the Forest Service to address these needs. Mr. President, I would like to emphasize that my bill will not alter the Forest Service's portion of funding from the reforestation trust fund.

My bill would increase the $30 million cap in the RTF to $45 million. The Forest Service would continue to receive the $30 million annually but the additional $15 million would be allocated to the Bureau of Land Management. Mr. President, the BLM manages 2.4 million acres of productive timberland in western Oregon, the majority of which is managed for a high level and sustained output of wood products for the Nation. These forests provide an economic livelihood for thousands of Oregonians. In addition, these forests provide for wildlife habitat and recreation, including hunting and fishing.

The BLM has identified thousands of acres of reforestation and forest development needs, including 33,461 acres for planting; 171,000 acres for inventory; 22,785 acres for site preparation; 49,285 acres for maintenance; 20,116 acres for pre-commercial thinning, and 51,414 for fertilization. The goal of this bill is to eliminate all of these reforestation and forest development needs by the end of fiscal year 1993. Once this goal has been accomplished, the BLM portion of the trust fund could be used for other forest activities which promote the diversity and productivity of the forest ecosystem.

My bill also provides for BLM to enter into voluntary cooperative conservation easements. The easements would allow BLM to negotiate with intermingled private landowners to offer protection beyond the requirements of State law for critical streams, sensitive plants, and wildlife species, and so forth. It is appropriate to provide BLM with this added flexibility due to the unique management challenges confronting the agency. Unlike the Forest Service, the BLM manages alternate sections of timberland throughout western Oregon. The BLM lands are interspersed with privately-owned lands over which BLM has little or no control.

Mr. President, it is fiscally responsible for us to provide additional funds for the BLM, because their forestry program is cost effective. In fact, according to an inspector general's report of the Department of Interior, for every dollar the Federal Government spends on the BLM forestry program in western Oregon, $4 is returned to the Treasury and the 18 counties in western Oregon. According to the same report, the Federal Government and 18 counties in western Oregon will lose money as long as the present reforestation backlog exists. Timber growth worth $90 million in future revenues was lost during fiscal years 1986 through 1989. Every succeeding year, as long as the backlog remains, the Federal Government and the counties will continue to lose timber growth worth $21 million in future revenues.

Mr. President, this bill is a sound investment for our Nation's forest. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my statement.

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

S. 535

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

SECTION 1. REFORESTATION TRUST FUND.

Section 303 of Public Law 96-451 (16 U.S.C. 1606a) is amended—

(1) in subsection (b)(2) by striking "$30,000,000" and inserting "$45,000,000";

(2) in subsection (b) by adding at the end thereof the following new paragraphs:

"(4) Of the amounts transferred to the Trust Fund—

"(A) one-third of such amounts shall be allocated and made available to the Secretary of the Interior; and

"(B) two-thirds of such amounts shall be allocated and made available to the Secretary of Agriculture.

"(5) If necessary, proper adjustment shall be made to ensure that the amounts transferred to the Trust Fund under paragraph (1) in any fiscal year are allocated as follows:

"(A) $30,000,000 shall be allocated and made available to the Secretary of Agriculture.

"(B) The remaining balance shall be allocated and made available to the Secretary of the Interior.

"(C) If the remaining balance allocated and made available to the Secretary of the Interior is less than $15,000,000 in any fiscal year, the Secretary of the Treasury shall transfer to the Trust Fund and make available to the Secretary of the Interior, from the Federal portion of the Bureau of Land Management timber receipt payments from public domain lands and Coos Bay Wagon Road grant lands in western Oregon, an amount equal to the difference between such remaining balance and $15,000,000.";

(3) in the first sentence of subsection (c)(1) by inserting "and the Secretary of the Interior" after "Secretary of Agriculture";

(4) in subsection (d)—

(A) by striking "available in" and inserting "available to the Secretary of Agriculture in"; and

(B) by striking "amounts not" and inserting "amounts that were available to the Secretary of Agriculture but not"; and

(5) by adding at the end thereof the following new subsection:

"(e)(1) Subject to paragraph (2), the Secretary of the Interior may obligate such sums as are available to the Secretary of the Interior in the Trust Fund (including any amounts that were available to the Secretary of the Interior but not obligated in previous years) to supplement expenditures of the Bureau of Land Management for—

"(A) reforestation and forest development of public lands in western Oregon administered by the Secretary of the Interior through the Bureau of Land Management including projects to improve the overall health and productivity of the forest ecosystem.

"(B) negotiation and implementation of cooperative relationships, including the acquisition of voluntary cooperative conservation easements, when such relationships promote or enhance successful reforestation or forest development or contribute to the long-term productivity of the forest ecosystem; and

"(C) properly allocable administrative costs of the Federal Government for the activities described in subparagraphs (A) and (B).

"(2) Until the unresolved reforestation and forest development needs that were initially identified by the Bureau of Land Management prior to January 1, 1991 are met, sums from the Trust Fund allocated to the Secretary of the Interior may be expended only to meet those needs.".•

By Mr. MACK (for himself and Mr. GRAHAM):

S.J. Res. 80. Joint resolution to proclaim the year 1992 as the "Year of Discover Florida"; to the Committee on the Judiciary.

YEAR OF DISCOVER FLORIDA

• Mr. MACK. Mr. President, I rise today, along with Senator BOB GRAHAM, to introduce Senate Joint Resolution 80, to proclaim 1992 as the "Year of Discover Florida."

Nineteen-hundred and ninety-two will mark the 500th anniversary of Christopher Columbus' discovery of the New World. Following this voyage, other explorers, including Ponce de Leon, traveled to the New World. His historic voyage in search of the Fountain of Youth resulted in the discovery of Florida in 1513.

Floridians, as well as the entire Nation, will be celebrating the quincentennial of Columbus' discovery of the New World. As part of this celebration, Florida has established the "Decade of Discover Florida." This program will enable all Americans to not only learn about Florida's historic past, but also participate in many activities and events throughout Florida in conjunction with the anniversaries of the first voyages to the New World and Florida.

In conjunction with the "Decade of Discover Florida," we are introducing this Senate joint resolution to establish 1992 as the beginning of the Decade of Discover Florida. Through this resolution and the Decade of Discover Florida, I urge Americans to learn of Florida's historic, social, and economic contributions made since the discovery on the New World nearly 500 years ago.

Mr. President, I ask unanimous consent that the text of this 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. 80

Whereas the year 1992 will mark the 500th anniversary of Christopher Columbus' voyages of discovery of America, which combined the New World with the Old World and began the modern era of human history;

Whereas the Hispanic presence in the Continental United States commenced when a companion of Columbus, Juan Ponce de Leon, discovered Florida and named the peninsula while trying to find the Fountain of Youth;

Whereas Florida was populated by Native Americans for many centuries before the arrival of the Spaniards and has many historic sites of both Native American and Hispanic heritage;

Whereas Juan Ponce de Leon, Panfilo de Narvaez, Hernando de Soto, Pedro Menendez de Aviles and other Spanish explorers traveled extensively throughout Florida and sailed both Atlantic and Gulf waters surrounding the peninsula at the beginning of the 16th century;

Whereas the City of St. Augustine on the Atlantic coast of Florida was permanently established in the year 1565 by Pedro Menendez de Aviles, 55 years before the Pilgrims landed at Plymouth Rock and 40 years before the English settled Jamestown;

Whereas Florida is strategically situated at a crossroad between different continents and has excellent facilities for traveling by sea, air, roads and railroads; and Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the year 1992 is designated as the "Year of Discover Florida", and the President is authorized and requested to issue a proclamation acknowledging the economic, social, and historic contributions of the people of Florida to the United States of America.•

By Mr. HATCH:

S.J. Res. 81. Joint resolution to designate the periods commencing on December 1, 1991, and ending on December 7, 1991, and commencing on November 29, 1992, and ending on December 5, 1992, as "National Home Care Week"; to the Committee on the Judiciary.

NATIONAL HOME CARE WEEK

Mr. HATCH. Mr. President, I rise today to introduce a resolution to designate the weeks of December 1 to December 7, 1991, and November 29 to December 5, 1992, as "National Home Care Week." This resolution commemorates the organizations and professionals who provide this extremely vital health service to millions of Americans.

It is fitting that we highlight home health care during the week following Thanksgiving. This holiday is a time that brings families together to share their joys, their hopes, and their traditions. Home health care keeps families together by allowing a loved one to receive needed care in the familiar surroundings of his or her own home. This Thanksgiving, thousands of home care recipients will be able to spend this holiday in the midst of their families. Millions of elderly citizens will continue to live their lives with dignity and a sense of independence thanks to assistance provided by home care providers. Institutionalization for many ailments is no longer necessary given today's effective home health care services.

As the 102d Congress takes up the issue of providing long-term care to those seniors, chronically ill children, and disabled citizens in America, I fervently hope that home care will be an integral component of any program. Home care provides cost-effective treatment of injuries and illnesses that, left untreated, often lead to more costly acute care and long-term institutionalization. Given our continuing battle with rising health care costs and the fact that we must rein in these costs if we hope to provide our nation with appropriate health care, we must work to identify and develop these cost-effective means of health care delivery.

Home care is much more than preventive medicine. It is the most humane form of health care. It is also the form of care preferred by the vast majority of seniors. According to a national poll conducted by Louis Harris and Associates, fully 78 percent of those polled said they preferred to receive care in their homes instead of in a nursing home.

There are countless families who could benefit from home care services. For example, one Utah family has a child with multiple health problems. After 3 months of the child's hospitalization, the escalating costs became unbearable. The family decided to bring the child home despite the need for constant care and monitoring. A home care nurse came to the home and sympathetically guided the parents through the process of taking care of a technology-dependent child. She provided counseling, skilled nursing assessment, monitoring, teaching, and helping with necessary support services. Due to her ability and friendship, the care of this child became less of a struggle. The child's presence at home with her parents and siblings became a joy.

This joint resolution honors the numerous health professionals, like the home health care nurse in Utah, who provide compassionate and much needed care for elderly and disabled individuals. The individuals and organizations who make such a very worthwhile contribution to society deserve to be honored. Moreover, I hope that by commemorating National Home Care Week, we may bring increased attention to this valuable service and the potential it holds for meeting the long-term care needs of our Nation. I urge my colleagues to cosponsor this joint resolution.

At this time, I ask unanimous consent that the full text of 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. 81

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods com-

mencing on December 1, 1991, and ending on December 7, 1991, and commencing on November 29, 1992, and ending on December 5, 1992, are designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

By Mr. SPECTER:

S.J. Res. 82. Joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week"; to the Committee on the Judiciary.

NATIONAL POLICE ATHLETIC LEAGUE WEEK

Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week."

The Police Athletic League [PAL] is a wonderful program which fosters the growth and development of the children of a community by bringing them under the guidance of local police officers. National PAL was established in 1944 and now boasts over 3 million boys and girls across the country. Each chapter sponsors a broad range of educational and recreational activities—from boxing, baseball, basketball, and archery to remedial reading and tutorial programs. The variety of programs is designed to involve the children and the police in productive and engaging activities, building trust and respect and promoting mutual understanding.

This investment yields substantial results: The boys and girls gain self-respect, learn valuable social and practical skills, and develop positive attitudes toward law enforcement officials in their community, while the volunteer police contribute in a real way to lowering juvenile crime and delinquency.

Police Athletic Leagues are everywhere. Currently there are 170 PAL chapters in 31 States, the District of Columbia, and two territories. I wholeheartedly support the PAL chapters in Pennsylvania, of which there are six, and I know of the tremendous success they have had in helping the youth of my State.

Accordingly, I urge my colleagues to join me in support of the important work of the Police Athletic League.

I ask unanimous consent that a more detailed summary of PAL along with the joint resolution be printed in the RECORD immediately following my remarks.

S.J. RES. 82

Whereas our Nations' youth are important to the continued strength of the United States;

Whereas adult guidance in sports and other activities is beneficial to the growth and development of children;

Whereas since 1944 the National Association of Police Athletic Leagues has promoted sportsmanship and citizenship among boys and girls across the Nation; and

Whereas today over 3,000,000 youth participate in Police Athletic Leagues in such sports as baseball, basketball, boxing, hockey, softball, tennis, track and field, and volleyball, and in such activities as arts and crafts, cheerleading, dance, drama, music, and also in remedial reading and tutorial programs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 19, 1991, is designated as "National Police Athletic League Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies, programs, and activities.

NATIONAL ASSOCIATION OF
POLICE ATHLETIC LEAGUES,
North Palm Beach, FL.

WHAT IS PAL

PAL is a recreation-oriented juvenile crime prevention program that relies heavily on athletics and recreational activities to create and cement the bond between the police officers and the kid on the street.

PAL is based on the strong belief that children—if they are reached early enough—can develop a strong, positive attitude towards police officers in their journey through life towards the goal of adulthood and good citizenship.

Research studies indicate that children accurately reflect the attitudes of their parents and other persons significant in their environment and that attitudes are learned from one's culture and subculture.

The most significant finding for the professional police officer, however, is that with a little effort, attitudes learned from one's culture or subculture can be changed.

A PAL program promotes greater trust and understanding between youngsters and officers.

A PAL program brings youngsters under the supervision and constructive influence of a responsible law enforcement agency and expands public awareness about the role of a police officer. That role is the reinforcement and support of the responsible values and attitudes instilled in young people by their parents.

The relationship between sport and juvenile delinquency has been the subject of much discussion. Throughout the nineteenth and twentieth centuries, physical educators, educators, educational sociologists, educational psychologists and penologists have contended that sports can serve as an effective and powerful antidote to delinquency. The idea that sports can serve as a deterrent to delinquency was first espoused in the English public schools during the middle of the nineteenth century. Sports was then used as a substitute for the stealing, bullying, and drinking that dominated the leisure hours of the English schoolboy.

As one of the most integral and venerated components of the educational system, youth sports programs have contributed significantly to the reduction of delinquency. The considerable financial and administrative support that teachers, parents and coaches give to youth sports is engendered in part by the conviction that athletic participation imparts certain desirable educational, social and personal values that mitigate against the occurrence of delinquency. PAL is a most effective tool in this effort.

Studies have shown that if a youngster respects a police officer on the ballfield or in the gym, he or she will very likely come to respect the laws that that police officer enforces.

Such benefit to the youngsters and to the neighborhood and business community in which they grow up is virtually unmeasurable.

AMERICA'S PAL

Cops and kids together is what PAL is about. Together in activities—primarily sports, but many others as well—where mutual trust and respect can be built.

Why sports? PAL's long years of experience (since 1944) with kids have shown that sports help bring out the best in kids. They learn to be part of a team—how to fit in, develop their specific skills, and compete with the team's goals in mind. Plus, they get to blow off a lot of steam that might have turned loose on the streets. Most importantly, they learn that they have the resources—physical and mental—to be successful. And the disciplines learned from sports will help them be winners throughout their lives. They also learn that the guys in blue are really their friends . . . willing to give their time to be concerned, caring, and there for them.

National PAL has established itself as a viable, successful juvenile crime prevention program through athletic and other related youth activities. Local programs have bridged the gap between the police officers and the youth as well as the police department and the community. Cities that have a PAL program consistently show a lower juvenile crime rate than cities of comparable size that do not have a Police Athletic League.

National PAL has doubled its membership to become a nationally known and respected police/youth organization. Today we have more than three million youth participating in PAL activities throughout the United States including the U.S. Virgin Islands and Puerto Rico, as well as Canada. Safe, positive programs offering a supportive teamwork environment is the key to the Police Athletic League success story that builds happy, well-adjusted youth.

The cop—the kid—and the community working together is a symbol of America at its best. It is the magic combination that cements the bond necessary for safer communities. We know PAL works in a truly effective way to help kids go right and stay right.

National PAL is in a very progressive and successfully upbeat stage of growth—our potential is staggering. The future game plan calls for continuing the development of many new programs and make it even easier for local PALs to administer good, solid, recognition programs for kids and volunteers throughout the United States.

"Our youth are reaching out for our guidance and direction. If each of us can touch the life of just one youngster, we've built a bond for a positive future—we've made a PAL."

JOSEPH F. JOHNSON,
Executive Director, National PAL.

By Mr. LEVIN (for himself, Mr. ROTH, Mr. MOYNIHAN, Mr. HEINZ, Mr. SASSER, and Mr. GLENN):

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990; to the Committee on Governmental Affairs.

DISAPPROVAL OF DISTRICT OF COLUMBIA COUNCIL ACTION

• Mr. LEVIN. Mr. President, for the first time in my 12 years of service in the Senate, I am introducing a joint resolution to disapprove an action taken by the Council of the District of Columbia. It is not something I do lightly; I strongly support home rule. But in the situation I am about to describe, it is our responsibility as Members of Congress to protect the Nation's interest in preserving the beauty and architectural style of the Nation's Capital.

On December 27, 1990, the Council of the District of Columbia passed, and then-Mayor Marion Barry approved, a D.C. law—D.C. Act 8-329—to amend the Building Height Limitations Act of 1910 to permit the construction of a building, in the area immediately adjacent to the FBI building, in excess of the height limits required by the act. The council apparently approved this amendment in order to get the developer of a proposed building to include some portion of residential housing in the building design. However valid the goal, the council directly violated the Height Act in order to achieve it, and in so doing, the council has set a dangerous precedent for similar actions in the future. In short, were the D.C. Council's actions, here, permitted to take effect, it would mark the practical end of the Building Height Limitations Act.

One of the unique and endearing elements to the design of this great city, is the relatively low height of our buildings, which reinforces the beauty and prominence of our national monuments. It is one of the first impressions visitors get of this city when they arrive, and it is a lasting one. We have invested great sums of time, talent and money to make our monuments and the walkways in between pleasing and impressive to the eye. Our mall and the surrounding landmarks convey a sense of beauty, calm and strength. Because they are integrated in large areas of open space and not dwarfed by surrounding structures, they also convey a sense of promise, openness, and freedom. No one can deny the intelligence and foresight of our earlier Members of Congress in restricting the heights of buildings in the Nation's Capital. We owe them our deep gratitude, and one way to show that is to respect and hold fast to their intentions.

As Members of Congress, with direct jurisdiction over and responsibility for the Building Height Limitation Act, it is appropriate for us to intervene to stop this recent action by the D.C. Council in order to protect the national interest. Out of the realization that local governments face tremendous pressures to meet development needs and plans, the Congress determined to regain for itself the authority to control the heights of buildings for this Nation's Capital. The statute is explicit. It sets very clear limits on the heights of buildings, and it permits the D.C. Council a certain amount of discretion only within those limits—and I emphasize "within those limits."

The council has tried to read the act in a way that would separate its discretionary authority from the overall height limits in the act. It is a tortured reading of the statute with a nonsensical result. As a former member of the Detroit City Council, I can understand the interests of and pressures on the council in addressing the development needs of the downtown area. But the national needs, here, for the Capital are more important, and it is our responsibility to see that the national needs are not overrun. The legislative history of the Height Limitation Act is replete with direct references to the importance that Congress placed on retaining control over the height of D.C. buildings.

Mr. President, the D.C. Council's actions are opposed by the National Capital Planning Commission, and the Justice Department has taken a firm and unequivocal position that the action by the D.C. Council is unlawful. The Justice Department has advised us, in fact, that if the act is not overturned by the Congress, the Department will bring suit, and it is confident it will win—after what may turn out to be an expensive fight that could otherwise be avoided.

Mr. President, in order to apprise my colleagues of the legal authority that unequivocally supports the Justice Department's position that the council's action is unlawful, I ask unanimous consent that the Justice Department letter to the National Capital Planning Commission dated November 6, 1990, be inserted in the RECORD in full immediately following my remarks. I also ask that a copy of the joint resolution I am introducing be inserted in the RECORD immediately following the Justice Department letter.

The D.C. Council's action will take effect unless within 30 days of the time the D.C. act is forwarded to Congress, Congress reports and the President signs a resolution of disapproval. That 30-day period will run on or about March 8. It is my hope, therefore, that we will be able to act as a body on this measure quickly and that the resolution can be held at the desk and taken up by the full Senate under unanimous consent in the next few days.

Mr. President, I ask unanimous consent that correspondence related to this issue be printed in the RECORD.

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

DEPARTMENT OF JUSTICE, ENVIRONMENT AND NATURAL RESOURCES DIVISION,

Washington, DC, November 6, 1990.

LINDA DODD-MAJOR,
General Counsel, National Capital Planning Commission, Washington, DC.

DEAR MS. DODD-MAJOR: Thank you for your memorandum of September 7, 1990, requesting a legal opinion on issues involving D.C. Council Bill 8-616 and the Building Height Limitations Act of 1910, ch. 263, 36 Stat. 452 (1910), (the "Height Act" or the "1910 Act"). We are happy for the opportunity to provide our views on these important issues.

Bill 8-616 would amend the Schedule of Heights promulgated under the Height Act to authorize construction of a 130-foot building on the east side of Ninth Street, N.W., between D and E Streets, adjacent to the FBI Building. In the absence of such an amendment, the maximum allowable height for that location would be 110 feet. Your memorandum requests our opinion as to whether the Council of the District of Columbia has the authority to amend the Schedule of Heights, and if so, whether that authority is limited in any way, specifically by the other restrictions of the Height Act.

1. CONCLUSION

On the basis of the language of the Height Act, its legislative history, and its implementation by the Commissioners of the District of Columbia prior to the enactment of the District of Columbia Self-government and Governmental Reorganization Act, P.L. 93-198; 87 Stat. 774 (1973) (the "Home Rule Act"), we conclude that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act. In addition, the Council's authority to amend the Schedule of Heights is further limited by Section 602(a)(6) of the Home Rule Act. In our view, the Height Act and the Home Rule Act prohibit the Council from amending the Schedule of Heights as proposed in D.C. Council Bill 8-616.

2. HISTORY OF THE HEIGHT ACT

The Height Act had its genesis in several earlier statutes and regulations.[1] In 1878, Congress gave the Commissioners of the District of Columbia[2] authority to make and enforce building regulations. Act of June 14, 1878, ch. 194, 20 Stat. 131. In 1894 the Commissioners promulgated building height regulations. These regulations applied generally to

[1] Federal regulation of buildings in the national capital is as old as the capital itself. The Act of July 16, 1790, 1 Stat. 130, authorized President Washington to appoint three commissioners to plan and develop a capitol city, and authorized the president to issue regulations to assure the city's orderly development. On October 17, 1791 President Washington promulgated regulations governing "the materials and manner of the buildings and improvements on the Lots in the City of Washington." Along with setback and permit requirements, the regulations required that outer and party walls of all houses be built of brick or stone, and that "The wall of no house to be higher than forty feet to the roof, in any part of the city; nor shall any be lower than thirty-five feet on any of the avenues."

Proclamation of 17 October 1791, reprinted in Staff of the House Committee on the District of Columbia, 94th Cong., 2d Sess., Report on Building Height Limitations 5 (Comm. Print. Apr. 1, 1976) ("House Staff Report"). The requirement for stone walls was apparently primarily a safety measure to reduce the risk of fire, while the provision for maximum and minimum heights and set-backs was apparently intended to beautify the city. These twin concerns of public safety and aesthetics are echoed in subsequent building height regulations.

[2] At the time, the District of Columbia was governed by a board of Commissioners who were appointed by the President with the advice and consent of the Senate. Act of June 11, 1878, ch. 20, 20 Stat. 102.

commercial and residential buildings in the District. They provided that: "No building will be erected * * * whose height exceeds the width of the street in its front. "No building will be erected on a residential street * * * whose height exceeds 90 feet." No building will be erected on a commercial street * * * whose height exceeds 110 feet."

House Staff Report at 15. These regulations form the core of the limitations that are still in effect today. *See* D.C. Code §§5-401 *et seq.*

The regulations are arguably ambiguous as to whether the limitations on residential and business buildings are independent of, or subject to, the general limitation that height may not exceed the width of the fronting street. Any ambiguity was removed, however, in 1899, when Congress modified the Commissioners' regulations and enacted them into law as the Building Height Act of 1899, ch. 322, 30 Stat. 922 (the "1899 Act").

The 1899 Act included limitations on the height and use of non-fireproof buildings, and, in Section 4, the same overall height limitations as the earlier Commission regulations:

"Sec. 4. That no building shall be erected or altered on any street in the District of Columbia to exceed in height above the sidewalk the width of the street in its front, *and in no case* [emphasis added] shall a building exceed ninety feet in height on a residence street nor one hundred ten feet on a business street, as designated by schedule approved by the Commissioners of the District of Columbia, except on business streets and business avenues one hundred sixty feet wide, where a height not exceeding one hundred thirty feet may be allowed. * * *

"*Provided*, That spires, towers, and domes may be erected to a greater height than the limit herein prescribed, when approved by the Commissioners of the District of Columbia * * *"

The clause "and in no case" resolves the apparent ambiguity in the 1894 regulations, clarifying that the limitations for business and residential streets must be read in conjunction with the general height-equals-street-width limit. In other words, under the 1899 Act, the height limit on a residential street was the width of the street or 90 feet, whichever was less. On a business street, the limit was the width of the street or 110 feet, whichever was less.

Note also that express authority for structures that exceed these limits is provided in the proviso on spires and domes, but nowhere else.

In 1903, Congress authorized the construction of Union Station, and in 1905, at the request of the Commissioners of the District of Columbia, Congress amended the 1899 Act to lower to 80 feet the height limit on buildings that front or abut the plaza in front of the Station. Act of February 8, 1905, ch. 557, 33 Stat. 709. The Commissioners requested the amendment because they believed it was "extremely desirable . . . from an architectural point of view" to limit all buildings fronting or abutting on the plaza to a uniform height . . . not too great to overshadow the proposed Union Station." Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Jacob H. Gallinger, Chairman, Committee on the District of Columbia, United States Senate, Dec. 10, 1904, reprinted in S. Rep. No. 3082, 58th Cong., 3d Sess. (1905).

In 1910 Congress revised the 1899 Act. Building Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910). Like the 1905 Union Station amendment, the 1910 Act was proposed by the Commissioners of the District of Columbia. Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Samuel W. Smith, Chairman, Committee on the District of Columbia, United States House of Representatives, Jan. 22, 1910, reprinted in H.R. Rep. No. 720, 61st Cong., 2d Sess. and S. Rep. No. 581, 61st Cong., 2d Sess.

The 1910 Act is quite similar to the 1899 Act, as amended. Section 5 of the 1910 Act retains, in slightly modified form, the height-equals-street-width formula of the 1899 Act:

"Sec. 5. That no building shall be erected * * * so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; * * *.

"No building shall be erected * * * so as to exceed the height of one hundred and thirty feet on a business street * * * except on the north side of Pennsylvania Avenue between First and Fifteenth Streets, northwest, where an extreme height of one hundred and sixty feet will be permitted.

"On a residence street * * * no building shall be erected * * * so as to be over eighty-five feet in height * * *."

The 80-foot limit on Union Station Plaza is also retained and, as in the 1899 Act, the only provision authorizing structures in excess of these limits is the one in spires, towers, and domes: "Buildings hereafter erected to front or abut on the plaza in front of the new Union Station * * * shall not be of a greater height than eighty feet. Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in this Act when and as the same may be approved by the Commissioners of the District of Columbia* * *."

In addition, and most important to the present inquiry, the 1910 Act recognizes "the need for Congress to be particularly mindful of regulating the height and certain aspects of design of buildings fronting on federally regulated sections" of the District. House Staff Report at 29. The Act delegates this authority to the Commissioners of the District of Columbia: "On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia."

Section 5 of the 1910 Act thus follows the model of section 4 of the 1899 Act. The first sentence sets out the general formula for determining the maximum permissible height which "no building" may exceed. The subsequent sentences set out additional limitations which, depending on the width of the street, may result in a lower maximum height than the general formula.[3] The 80-foot limit on buildings around Union Station is retained, parallel regulatory authority for limits around other federal buildings is added, and the single exception for spires, towers, and domes is retained.

The 1910 Act, as amended,[4] continues to govern the height of buildings in the District today. *See* D.C. Code §§5-401 *et seq.*

3. IMPLEMENTATION OF THE HEIGHT ACT

Between 1910 and the enactment of the Home Rule Act, the Commissioners of the District of Columbia exercised their authority to set height limits under the "Schedule of Heights" provision of the 1910 Act in 15 different areas of the District. Most of these limits apply to the blocks around the White House, the Supreme Court Building, and the House and Senate Office Buildings. In every case, the limits set under the Schedule are lower than would otherwise be permitted under the Height Act. For example, in 1912, the Commissioners lowered the height limit on 15th Street, N.W., between Pennsylvania Avenue and G Street, across from the Treasury Building, from 130 feet to 95 feet.

Commenters reviewing height limitations in the District have viewed the Commissioners' schedule-making authority as being subject to the other limits of the Height Act. For example, a 1986 GAO report states: "The 1910 act also required the Board [of Commissioners] to establish a separate Schedule of Heights *within the general parameters outlined in the act to further regulate the height of buildings* fronting on federally developed sections of the District. The Schedule, by *limiting* the height of private sector buildings adjacent to federal buildings, has served to maintain the prominence of federal buildings and monuments in the District."

General Accounting Office, Height Limitations: Limitations on Building Heights in the District of Columbia 6 (1986) (emphasis added). Similarly, a 1987 Memorandum prepared for the House Committee on the District of Columbia by the Congressional Research Service describes the Commissioners' authority as subject to the Height Act's other limits: "Also, the 1910 Act made clear that the Commissioners could adopt more specific limits *(subject to the statutory limits)* for 'buildings' located on blocks adjacent to on the side of 'public building.'"

Congressional Research Service, Memorandum: Whether Building Height Restrictions In the District of Columbia, Including Those Pertaining to Union Station, Apply to Federal Buildings, 3 (Aug. 18, 1987) (emphasis added).

4. LIMITED TRANSFER OF HEIGHT ACT AUTHORITY TO THE D.C. COUNCIL

Authority to implement the Height Act remained with the Commissioners of the District of Columbia until 1967, when their responsibilities were transferred to a presidentially-appointed District of Columbia Council. Act of Aug. 11, 1967, 81 Stat. 948, §402 (120), reprinted at 1 D.C. Code 141 (1981). The authority of this council was subsequently transferred to the popularly-elected Council of the District of Columbia (the "Council") pursuant to section 401 of the Home Rule Act (codified at D.C. Code §1-221 (1981)).

One of the most controversial issues in the debate over Home Rule was the extent of control the new local government would have over Federal interests.[5] This issue is addressed in numerous provisions of the Home Rule Act, including an entire title of limitations on the District government. In particular, the Home Rule Act imposes important

[3] Note however, that the clause "and in no case" which appeared in the 1899 Act has been omitted. There is no indication in the legislative history of what, if anything, Congress intended by this change. One possible explanation is that in expanding the section into eight separate paragraphs, the clause became unwieldly. It may also have been considered unnecessary, since the Commissioners who were responsible for implementing the Act apparently understood the limits imposed in the various sentences to be conjunctive, as demonstrated by their subsequent implementation of the Act (discussed below).

[4] The Act was amended by Congress seven times between 1910 and 1945. Five of those amendments provided height exemptions, above those prescribed by the 1910 Act, for specific buildings to be erected at specific locations. The other two amendments raised the maximum height for residential buildings from 85 to 90 feet, and changed the maximum number of stories for residential buildings from eight to ten. *See* House Staff Report at 57-58.

[5] *See, e.g.*, House Comm. on the District of Columbia, District of Columbia Self-Government and Governmental Reorganization Act, H.R. Rep. No. 482, 93d Cong., 1st Sess. 3 (1973).

limits on the Council's authority to amend the Height Act. Section 602(a)(6) of the Home Rule Act (codified as §1–233 of the D.C. Code) states that the Council shall have "no authority" to: "* * * enact any act, resolution, or rule which permits the building of *any structure* within the District of Columbia in excess of the height limitations contained in Section 5–405 [section 5 of the Height Act[6]], and in effect on December 24, 1973 [the date of enactment of the Home Rule Act]." (Emphasis added.)

The plain meaning of this section is to prohibit the Council from permitting construction of buildings that exceed the Height Act limits. The legislative history of Section 602(a)(6) confirms that Congress' intent in this section was precisely what the plain meaning of the words conveys. The provision originated in the House, in the Committee on the District of Columbia's Subcommittee on Government Operations. At Subcommittee markup, Subcommittee Chairman Brock Adams asked counsel to explain the provision, and was told the following: "What we drafted was an amendment [subsequently enacted as §602(a)(6)] which would go to the limitations on the Council that the Council could not enact an act that permitted building above existing height limitations, and freezing in what now is existing law, and would prohibit the Council from allowing any building above that limitation."

Home Rule for the District of Columbia, 1973–1974, Background and Legislative History of H.R. 9056, H.R. 9682 and Related Bills. 93rd Cong, 2d Sess., Committee Print Serial No. S–4 302 (1974). Subsequent descriptions of this provision in the full Committee's report reflect this understanding. For instance, the description of title VI of the bill, "Reservation of Congressional Authority" notes that

"The Council is also prohibited from doing certain things, including * * * permitting the construction of buildings in excess of the present height limitations set by Congress." H.R. Rep. No. 482 at 15.

5. ANALYSIS

"Where, as here, resolution of a question of federal law turns on a statute and the intention of Congress, we look first to the statutory language and then to the legislative history if the statutory language is unclear." *Blum v. Stenson*, 465 U.S. 886, 896 (1984). The interpreter's task is "to interpret the words of [the statute] in light of the purposes Congress sought to serve." *Dickerson v. New Banner Institute, Inc.*, 460 U.S. 103, 118 (1983), (quoting *Chapman v. Houston Welfare Rights Organization*, 441 U.S. 600, 608 (1979)).

Both the language the legislative histories of section 5 of the Height Act (D.C. Code §5–405) and section 602(a)(6) of the Home Rule Act (D.C. Code §1–233(a)(6)) compel the conclusion that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act, and that the Council does not have the authority to amend the Schedule of Heights as proposed in Council Bill 8–616.

(a) *The language of section 5–405*—The language of section 5–405 provides numerous indications that paragraph (f), the schedule-making authority, must be read in conjunction with the section's other limitations which are based on the width of the fronting street and the residential or business character of the street. First, paragraphs (a), (b), and (c) of section 5–405 each plainly state that "*no building shall be erected*" in excess of their specified limitations (emphasis added). Nothing in the Act states that the buildings covered by paragraph (f) are exempt from those limitations. The fact that the general limitation in paragraph (a) (street width) applied in conjuction with the limitations in sections (b) (business streets) and (c) (residence streets) provides an additional confirmation that the paragraph (a) limitation also applies to paragraph (f). Accordingly, in the absence of an express exemption, the plain language of paragraphs (a), (b), and (c) must apply to buildings covered by paragraph (f). *National Insulation Transportation Committee v. I.C.C.*, 683 F.2d 533, 537 (D.C. Cir 1982) (Absent persuasive reasons to the contrary, "a court must follow the axiom that Congress intended that statutory language be given its plain and ordinary meaning.")[7]

Second, if Congress had intended to exclude buildings covered by paragraph (f) from the limitations of paragraphs (a), (b), and (c), it could easily have done so, as it did in the express exemption, in paragraph (h), for spires, towers and domes. But Congress did not do so. This omission is further evidence of Congress' intent that any height limitations established under paragraph (f) be within the limits established in paragraph (a), (b) and (c). "Where Congress explicitly enumerates certain exceptions to a general prohibtion, additional exceptions are not to be implied in the absence of evidence of a contrary legislative intent." *Andrus v. Glover Construction Co.* 446 U.S. 608, 616–17 (1980). *See Russello v. United States*, 464 U.S. 16, 23 (1983) (quoting *United States v. Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)) ("[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.")

(b) *Legislative History and Congressional Intent.*—The view that the Council's authority is subject to the Act's other limitations is fully consistent with all available indicia of Congressional intent. While the legislative history of the Height Act is sparse, an intent to enhance the architectural character of the capital city and ensure that public buildings are not overshadowed is easily inferred from the language of the Act, particularly the height limitations which are based on the width of the street rather than fire safety criteria. *See Dickerson*, 460 U.S. at 118, *United States v. Morton*, 467 U.S. 822, 828 (1984).

Moreover, section 5–405(g), which sets an 80-foot height limit on buildings abutting the Union Station plaza, was expressly directed at such concerns. Its purpose was to limit buildings fronting or abutting on the plaza to a height *below* the otherwise applicable limitations and thereby prevent adjacent buildings from overshadowing the federal building. *See* Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, *supra*. The schedule-making authority of paragraph (f) serves a function very similar to paragraph (g), providing authority to limit the height of buildings next to public buildings. It has enabled the Commissioners to provide other public buildings the same type of protection against overshadowing that Congress provided for Union Station.

Thus, given what we know about the purposes of the Height Act in general and the Union Station plaza height limitations in particular, there can be little doubt that Congress intended the Commissioners to use the paragraph (f) schedule-making authority to provide public buildings with protection more stringent than the Height Act's other limitations. Given this intent, it would be irrational to construe section 5–405(f) as allowing the Council to set heights *above* the Height Act's other limitations, thereby providing public buildings with less stringent protection than other buildings. *See Bob Jones University v. United States*, 461 U.S. 571, 586 (1983) (quoting *Brown v. Duchesne*, 19 How. 183, 194 (1857) ("[I]t is well settled that, in interpreting a statute, the court will not look merely to a particular clause in which general words may be used, but will take in connection with it the whole statute . . . and the objects and policy of the law.")

(c) *Commissioners' Implementation*—The Commissioners of the District implemented the Height Act's schedule-making authority by promulgating height limits for 15 locations in the District, all of which were below the Height Act's otherwise applicable limits. Thus, the Commissioners' record is consistent with the view that their authority to promulgate such limits was subject to the other limitations of the Height Act. Indeed, it is reasonable to assume that the Commissioners viewed the schedule-making provision as authorizing them to lower, but not raise, the Act's other height limits because, as noted above, it was the Commissioners who asked Congress to lower the height limitation on buildings on the Union Station plaza and who subsequently requested enactment of the paragraph (f) schedule-making authority.

The Commissioners' exercise of the schedule-making authority is relevant because, as the "agency" assigned to implement the Height Act, their interpretation is entitled to deference. *Chemical Manufacturers Association v. Natural Resources Defense Council*, 470 U.S. 116, 125 (1985).

(d) *Home Rule Act Limitations*—Section 602(a)(6) of the Home Rule Act (codified as §1–233 of the D.C. Code) states that the Council shall have "no authority" to "enact any act . . . which permits the building of any structure . . . in excess of the height limitations contained in Section 5–405, and in effect on December 24, 1973." D.C. Council bill 8–616 clearly runs afoul of this proscription, since it would authorize construction of a 130-foot building in a location where the lim-

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[6] Section 5 of the Height Act, as amended, edited and renumbered, appears as section 5–405 (a) through (h) of the D.C. Code. In relevant part, it provides:

"(a) No building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet; * * *

"(b) No buildings shall be erected * * * as to exceed the height of 130 feet on a business street * * * except on the north side of Pennsylvania Avenue between 1st and 15th Streets Northwest, where an extreme height of 160 feet will be permitted.

"(c) On a residence street * * * no building shall be erected * * * so as to be over 90 feet in height * * *.

* * * * *

"(f) On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Council of the District of Columbia.

"(g) Buildings erected after June 1, 1910, to front or abut on the plaza in front of the new Union Station * * * shall not be of greater height than 80 feet.

"(h) Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in §§5–401 to 5–409 when and as the same may be approved by the Mayor of the District of Columbia * * *."

[7] Moreover, a reading of paragraph (f) that renders the schedule-making authority independent of the paragraph (a), (b) and (c) limitations would run afoul of the "elementary canon of statutory construction that a statute should be interpreted so as not to render one part inoperative." *Mountain States Telephone & Telegraph v. Pueblo of Santa Ana*, 472 U.S. 244, 248 (1985) (quoting *Colautti v. Franklin*, 439 U.S. 379, 392 (1979)).

itation under the Height Act (as in effect on December 24, 1973) is 110 feet.

Furthermore, there is nothing in the legislative history of the Home Rule Act to suggest that the plain meaning of section 602(a)(6) does not accurately reflect Congress' intent. To the contrary, the legislative history shows that Congress fully intended to limit the D.C. Council's authority to authorize buildings in excess of the Height Act's existing limitations. Accordingly, the plain meaning of the section controls. *Blum*, 465 U.S. at 896; *National Insulation Transportation Committee*, 683 F.2d at 537.

Proponents of Bill 8-616 have argued that the Schedule of Heights is a freestanding provision and not part of section 5-405, and therefore not subject to the limitations of section 602(a)(6) of the Home Rule Act. This argument does not jibe with the plain language of section 602(a)(6). Section 602(a)(6) prohibits the Council from enacting *any* act which permits the building of any structure that exceeds (1) the section 5-405 height limitations, or (2) the height limitations in effect on December 24, 1973—which include the Schedule of Heights as it existed at the time the Home Rule Act was enacted. In other words, under section 602(a)(2) of the Home Rule Act, the Council's authority under section 5-405(f) of the Heights Act is limited to amending the Schedule of Heights to set height limits that are (1) lower than the applicable Height Act limits (for locations not included on the pre-home Rule Schedule of Heights), or (2) lower than the pre-Home Rule Schedule of Heights limitations (for locations that are included in the pre-Home Rule Schedule.).[8] The Council is barred by section 602(a)(6) of the Home Rule Act from exceeding either of those limitations.

Moreover, as explained above, the Height Act itself prohibits the Council from permitting buildings that exceed the applicable Height Act limitations. Thus, even if the argument that section 5-405(f) is not subject to the Home Rule Act limitations were correct—and we do not think it is—that still would not provide a legal basis for amending the Schedule of Heights in a manner inconsistent with the limitations of the Height Act.

Thus, it is our view that both the Height Act and the Home Rule Act prohibit the D.C. Council from amending the Schedule of Heights as proposed in D.C. Council bill 8-616. In view of this conclusion, we believe it is unnecessary to address your third question, which dealt with permissible justifications for amendments to the Schedule of Heights.

Thank you again for requesting our views on these matters. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

RICHARD B. STEWART,
Assistant Attorney General.●

[8] The location covered by Bill 8-616 is not included in the pre-Home Rule Schedule of Heights.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Councils on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. LUGAR], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 177

At the request of Mr. INOUYE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 177, a bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and for other purposes.

S. 281

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 281, a bill to provide school-based education and support services and comprehensive family support services to families of members of the Armed Forces of the United States who are serving on active duty, to provide continued coverage under group health plans for the families of members of the Armed Forces serving on active duty during the Persian Gulf conflict, and for other purposes.

S. 307

At the request of Mr. RIEGLE, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors 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 Georgia [Mr. FOWLER] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 308, a bill to amend the International Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 327

At the request of Mr. BOREN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor 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. 334

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 334, a bill to provide child care services to families of members of the Armed Forces of the United States who are serving on active duty, to provide eligibility for certain health benefits for members who are released from active duty in connection with the Persian Gulf conflict, and for other purposes.

S. 359

At the request of Mr. BOREN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. MCCAIN], the Senator from California [Mr. CRANSTON], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 360

At the request of Mr. BUMPERS, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes.

S. 403

At the request of Mr. WALLOP, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. SYMMS], the Senator from Mississippi [Mr. LOTT], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 403, a bill to clarify the intent of Congress with respect to establishment and collection of certain fees and charges.

S. 448

At the request of Mr. SYMMS, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 459

At the request of Mr. MCCAIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 459, a bill to declare that the United States holds certain lands in trust for the Camp Verde Yavapai-Apache Indian Community, and for other purposes.

SENATE JOINT RESOLUTION 16

At the request of Mr. THURMOND, the names of the Senator from Texas [Mr. BENTSEN], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 16, a joint resolution designating the week of April 21-27, 1991, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 38

At the request of Mr. THURMOND, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. PELL, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Virginia [Mr. ROBB], the Senator from Colorado [Mr. BROWN], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Joint Resolution 55, a joint resolution commemorating the 200th Anniversary of U.S.-Portuguese Diplomatic Relations.

SENATE JOINT RESOLUTION 57

At the request of Mr. THURMOND, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mr. GORTON], the Senator from Missouri [Mr. BOND], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the month of May, 1991, as "National Foster Care Month".

SENATE JOINT RESOLUTION 65

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of Senate Joint Resolution 65, a joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. D'AMATO, the names of the Senator from Virginia [Mr. WARNER], the Senator from Massachusetts [Mr. KERRY], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 79, a joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 13—COMMENDING THE PRESIDENT AND THE ARMED SERVICES FOR THE SUCCESS OF OPERATION DESERT STORM

Mr. DOLE (for himself, Mr. MITCHELL, Mr. PELL, Mr. HOLLINGS, Mr. KOHL, Mr. BOREN, Mr. DODD, Mr. REID, Mr. ADAMS, Mr. AKAKA, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURDICK, Mr. BURNS, Mr. BYRD, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DASCHLE, Mr. DECONCINI, Mr. DIXON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GARN, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HEINZ, Mr. HELMS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PRESSLER, Mr. PRYOR, Mr. RIEGLE, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. RUDMAN, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SEYMOUR, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WELLSTONE, and Mr. WIRTH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 13

Whereas United States and coalition armed forces have achieved remarkable success in totally defeating Iraqi military forces and ousting them from Kuwait;

Whereas these historic accomplishments have been achieved at an astoundingly small loss of life and number of casualties among American and coalition forces;

Whereas to date 185 Americans are known to have been killed (including 79 in combat), 302 wounded (including 212 in combat), 34 Missing in Action, and 9 taken by Iraq as prisoners of war;

Whereas an unknown number of Kuwaiti civilians have reportedly been seized and removed to unknown locations by Iraqi armed forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that:

1. The Congress applauds and expresses the appreciation of the nation to:

(a) President Bush, Commander in Chief of all American armed forces, for his leadership during Operation Desert Storm.

(b) Secretary of Defense Dick Cheney, Armed Forces Chief of Staff Colin Powell and Desert Storm Commander Norman Schwarzkopf, for their planning and implementation of Operation Desert Storm.

(c) All of the American forces deployed in the Persian Gulf region who have served and succeeded in the highest traditions of the Armed Forces of the United States.

(d) All of the forces from our coalition partners, who served with distinction and success.

(e) The families of American service men and women participating in Operation Desert Storm, who have bravely borne the burden of separation from their loved ones, and staunchly supported them in this crisis.

2. The Congress notes with deep sadness the loss of life on all sides in Operations Desert Shield and Desert Storm. The Congress particularly salutes those brave young American men and women who have made the ultimate sacrifice in the service of their nation and in the cause of peace, and sends its deepest condolences to their grieving families.

3. The Congress demands from Saddam Hussein:

(a) The immediate release of all prisoners of war held by Iraq.

(b) A complete accounting for all American and coalition forces listed as missing in action, or otherwise unaccounted for.

(c) The immediate and unconditional release and return to their homes of all Kuwaiti citizens being held by Iraqi forces.

4. The Congress urges all relevant authorities to seriously examine the issue of possible war crimes by Saddam Hussein and other Iraqi military leaders and forces, and to hold Iraq responsible in principle for reparations for the incredible destruction caused by its brutal invasion and occupation of Kuwait.

SENATE RESOLUTION 66—IMPROVEMENTS IN LEGISLATIVE EFFICIENCY IN THE SENATE

Mrs. KASSEBAUM (for herself, Mr. INOUYE, Mr. DASCHLE, Mr. DODD, Mr. LUGAR, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

Resolved, That rule XXV of the Standing Rules of the Senate is amended to read as follows:

"STANDING COMMITTEES

"1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

"(a)(1) **Committee on National Priorities,** to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to

be referred to committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) Such committee shall have the duty—

"(A) to report the matters required to be reported by committee under titles III and IV of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

"(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

"(b)(1) **Committee on Agricultural Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Agricultural economics and research.

"2. Agricultural extension services and experiment stations.

"3. Agricultural production, marketing, and stabilization of prices.

"4. Agriculture and agricultural commodities.

"5. Animal industry and diseases.

"6. Crop insurance and soil conservation.

"7. Farm credit and farm security.

"8. Food from fresh waters.

"9. Inspection of livestock, meat, and agricultural products.

"10. Pests and pesticides.

"11. Plant industry, soils, and agricultural engineering.

"12. Rural development, rural electrification, and watersheds.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (b)(1), except as provided in subparagraph (a).

"(c)(1) **Committee on Defense Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

"2. Common defense.

"3. Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force, generally.

"4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.

"5. Military research and development.

"6. National security aspects of nuclear energy.

"7. Naval petroleum reserves, except those in Alaska.

"8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.

"9. Selective Service system.

"10. Strategic and critical materials necessary for the common defense.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (c)(1), except as provided in subparagraph (a).

"(d)(1) **Committee on Commercial Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Coast Guard.

"2. Coastal zone management.

"3. Communications.

"4. Construction and maintenance of highways, and highway safety.

"5. Inland waterways, except construction.

"6. Interstate commerce.

"7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.

"8. Marine fisheries.

"9. Merchant marine and navigation.

"10. Nonmilitary aeronautical and space sciences.

"11. Oceans, weather, and atmospheric activities.

"12. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides.

"13. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.

"14. Science, engineering, and technology research and development and policy.

"15. Sports.

"16. Standards and measurement.

"17. Transportation.

"18. Transportation and commerce aspects of Outer Continental Shelf lands.

"19. Regional economic development.

"20. Financial aid to commerce and industry.

"21. Public works, bridges, and dams.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (d)(1), except as provided in subparagraph (a).

"(e)(1) **Committee on Economic Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

"2. Deposits of public moneys.

"3. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

"4. Revenue measures relating to the insular possessions.

"5. Banks, banking, and financial institutions.

"6. Deposit insurance.

"7. Federal monetary policy, including the Federal Reserve System.

"8. Issuance and redemption of notes.

"9. Money and credit, including currency and coinage.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (e)(1), except as provided in subparagraph (a).

"(f)(1) **Committee on Energy Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Coal production, distribution, and utilization.

"2. Energy policy.

"3. Energy regulation and conservation.

"4. Energy-related aspects of deepwater ports.

"5. Energy research and development.

"6. Extraction of minerals from oceans and Outer Continental Shelf lands.

"7. Hydroelectric power, irrigation, and reclamation.

"8. Mining education and research.

"9. Mining, mineral lands, mining claims, and mineral conservation.

"10. Naval petroleum reserves in Alaska.

"11. Nonmilitary development of nuclear energy.

"12. Oil and gas production and distribution.

"13. Solar energy systems.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (f)(1), except as provided in subparagraph (a).

"(g)(1) **Committee on Environmental Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Air pollution.

"2. Environmental aspects of Outer Continental Shelf lands.

"3. Environmental effects of toxic substances, other than pesticides.

"4. Environmental policy.

"5. Environmental research and development.

"6. Fisheries and wildlife.

"7. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.

"8. Noise pollution.

"9. Nonmilitary environmental regulation and control of nuclear energy.

"10. Ocean dumping.

"11. Solid waste disposal and recycling.

"12. Water pollution.

"13. Water resources.

"14. Forestry, and forest reserves and wilderness areas.

"15. National parks, recreation areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.

"16. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (g)(1), except as provided in subparagraph (a).

"(h)(1) **Committee on Foreign Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Acquisition of land and buildings for embassies and legations in foreign countries.

"2. Boundaries of the United States.

"3. Diplomatic service.

"4. Foreign economic, military, technical, and humanitarian assistance.

"5. Foreign loans.

"6. International activities of the American Red Cross and the International Committee of the Red Cross.

"7. International aspects of nuclear energy, including nuclear transfer policy.

"8. International conferences and congresses.

"9. International law as it relates to foreign policy.

"10. International Monetary Fund and other international organizations established primarily for international monetary purposes.

"11. Intervention abroad and declarations of war.

"12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

"13. Trusteeships of the United States, including territorial possessions of the United States.

"14. Oceans and international environmental and scientific affairs as they relate to foreign policy.

"15. Protection of United States citizens abroad and expatriation.

"16. Relations of the United States with foreign nations generally.

"17. Treaties and executive agreements.

"18. United Nations and its affiliated organizations.

"19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance programs.

"20. Foreign trade promotion, export, and export controls.

"21. Interoceanic canals generally, unless otherwise provided.

"22. Customs and ports of entry and delivery.

"23. Reciprocal trade agreements.

"24. Tariffs and import quotas, and matters related thereto.

"25. Organization and management of United States nuclear export policy.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (h)(1), except as provided in subparagraph (a).

"(i)(1) **Committee on Governmental Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Archives of the United States.

"2. Budget and accounting measures, except as provided in the Congressional Budget Act of 1974.

"3. Census and collection of statistics, including economic and social statistics.

"4. Congressional organizations, except for any part of the matter that amends the rules of order of the Senate.

"5. Federal Civil Service.

"6. Government information.

"7. Intergovernmental relations.

"8. Municipal affairs of the District of Columbia.

"9. Organization and reorganization of the executive branch of the Government.

"10. Postal Service.

"11. Status of officers of the United States, including their classification, compensation, and benefits.

"12. Renegotiation of governmental contracts.

"13. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (i)(1), except as provided in subparagraph (a).

"(j)(1) **Committee on Judicial Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Apportionment of Representatives.

"2. Bankruptcy, mutiny, espionage, and counterfeiting.

"3. Civil liberties.

"4. Constitutional amendments.

"5. Federal courts and judges.

"6. Holidays and celebrations.

"7. Immigration and naturalization.

"8. Interstate compacts generally.

"9. Judicial proceedings, civil and criminal, generally.

"10. Local courts in the territories and possessions.

"11. Measures relating to claims against the United States.

"12. National penitentiaries.

"13. Patent Office.

"14. Patents, copyrights, and trademarks.

"15. Protection of trade and commerce against unlawful restraints and monopolies.

"16. Revisions and codification of the statutes of the United States.

"17. State and territorial boundary lines.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (j)(1), except as provided in subparagraph (a).

"(k)(1) **Committee on Social Policy,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Measures relating to education, labor, health, and public welfare.

"2. Arts and humanities.

"3. Biomedical research and development.

"4. Child labor.

"5. Domestic activities of the American Red Cross.

"6. Equal employment opportunity.

"7. Gallaudet College, Howard University, and Saint Elizabeth's Hospital.

"8. Handicapped individuals.

"9. Labor standards.

"10. Mediation and arbitration of labor disputes.

"11. Occupational safety and health, including the welfare of miners.

"12. Private pension plans.

"13. Public health.

"14. Railroad retirement program.

"15. Regulation of foreign laborers.

"16. Student loans.

"17. Wages and hours of labor.

"18. Food stamp programs.

"19. Human nutrition.

"20. School nutrition programs.

"21. Public housing.

"22. Nursing homes including construction.

"23. National social security.

"24. Public health programs, including health programs under the Social Security Act.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (k)(1), except as provided in subparagraph (a).

"(l)(1) **Committee on Native American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to Native Americans generally, and Native American Programs.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of government programs, projects, or activities relating primarily to the subjects specified in paragraph (l)(1), except as provided in subparagraph (a).

"(m)(1) **Committee on Senior American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to senior Americans generally, and to the Older Americans Act.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (m)(1), except as provided in subparagraph (a).

"(n)(1) **Committee on Veteran American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Compensation of veterans.

"2. Life insurance issued by the Government on account of service in the Armed Forces.

"3. National cemeteries.

"4. Pensions of all wars of the United States, general and special.

"5. Readjustment of servicemen to civilian life.

"6. Soldiers and sailors civil relief.

"7. Veterans' hospitals, medical care and treatment of veterans.

"8. Veterans' measures generally.

"9. Vocational rehabilitation and education of veterans.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (n)(1), except as provided in subparagraph (a).

"(o)(1) **Committee on Entrepreneurial American Programs,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration.

"(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of any standing committee having jurisdiction over the subject matter extraneous to the

functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Committee on Entrepreneurial American Programs for its consideration of any portions of the measure dealing with the Small Business Administration, be considered and reported by this committee prior to its consideration by the Senate.

"(3) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraphs (o)(1) and (o)(2), except as provided in subparagraph (a).

"(p)(1) **Committee on Senate Rules,** to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

"1. Administration of the Senate office buildings and the Senate wing of the Capitol, including the assignment of office space.

"2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.

"3. Corrupt practices.

"4. Credentials and qualifications of members of the Senate, contested elections, and acceptance of incompatible offices.

"5. Federal elections generally, including the election of the President, Vice President, and members of Congress.

"6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided under rule XI.

"7. Meetings of the Congress and attendance of the members.

"8. Payments of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall first be referred to such committee).

"9. Presidential succession.

"10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

"11. Senate Library and statuary, art, and pictures in the Capitol and Senate office buildings.

"12. Services to the Senate, including the Senate restaurant.

"13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

"(2) There shall also be referred to such committee all proposed legislation, messages, petitions, memorials, and other matters relating to the appropriation, or to the rescission of the appropriation, of revenue for the support of Government programs, projects, or activities relating primarily to the subjects specified in paragraph (p)(1), except as provided in subparagraph (a).

"2. (a) Except as otherwise provided by paragraph 4 of this rule, the Leadership Committee, known as the Committee on National Priorities, shall consist of not less than 28 Senators nor more than 33 Senators.

"(b) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of not more than the number of Senators set forth in the following table on the line on which the name of that committee appears:

"LEGISLATIVE POLICY COMMITTEES

"Committee:	Members
Agricultural Policy	17
Defense Policy	17
Commercial Policy	17
Economic Policy	17
Energy Policy	17
Environmental Policy	17
Foreign Policy	17
Governmental Policy	17
Judicial Policy	17
Social Policy	17

"(c) Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of not more than the number of Senators set forth in the following table on the line on which the name of that committee appears:

"LEGISLATIVE PROGRAM COMMITTEES

"Committee:	Members
Native American Programs	9
Veteran American Programs	11
Senior American Programs	19
Entrepreneurial American Programs	19

"(d) Except as otherwise provided by paragraph 4 of this rule, each of the following committees and standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"ADMINISTRATIVE COMMITTEES

"Committee:	Members
Senate Rules	15
Senate Ethics	6
Senate Intelligence	15

"3. (a) Notwithstanding the provisions of paragraph 4, and except as otherwise provided by this paragraph—

"(1) each Senator shall serve on no more than two committees listed in subparagraph 2(b).

"(2) each Senator serving as either a chairman or a ranking member of any committee listed in subparagraph 2(b) shall not serve on any other committee listed in subparagraph 2(b) but shall serve on the committee listed in subparagraph 2(a).

"(3) each Senator serving as either a chairman or a ranking member of any committee listed in subparagraph 2(c) shall also serve on the committee listed in subparagraph 2(a).

"(4) in addition to those Senators serving on the committee listed in subparagraph 2(a) by virtue of their serving as chairman or ranking member of a committee listed in subparagraph 2(b), not more than 5 Senators shall be appointed by the majority leader of the Senate to serve on the committee listed in subparagraph 2(a) for the purpose of making the overall balance of majority and minority members on the committee the same as the relative balance between the majority and minority members of the Senate.

"(5) service by a Senator on any committee listed in subparagraph 2(c) shall not limit the ability of such Senator to serve on any other committee or standing committee.

"(b) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. Members of the majority party in such numbers as may be required for that purpose may serve as members of three standing committees listed in subparagraph 2(b). No such temporary increase in the membership of any Standing committee under this subparagraph shall be continued in effect after the need therefore has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2(b).

"(c) No Senator shall serve at any one time as chairman of more than one subcommittee of each standing committee of the Senate.

"4. Notwithstanding any provision of rule XXIV of the Standing Rules of the Senate, the appointment of committees or standing committees as prescribed by this title shall be on the basis of each Senator's continuous service in the Senate, except that such appointment shall be in accordance with the following limitations:

"(a) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Agriculture, Nutrition, and Forestry or who were serving on the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations may serve on the Committee on Agricultural Policy.

"(b) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Armed Services or who were serving on the Subcommittee on Defense or the Subcommittee on Military Construction of the Committee on Appropriations may serve on the Committee on Defense Policy.

"(c) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Commerce, Science, and Transportation or who were serving on the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations may serve on the Committee on Commercial Policy.

"(d) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Finance or the Committee on Banking, Housing and Urban Affairs may serve on the Committee on Economic Policy.

"(e) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Energy and Natural Resources or who were serving on the Subcommittee on Energy and Water Development of the Committee on Appropriations, may serve on the Committee on Energy Policy.

"(f) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Environment and Public Works or who were serving on the Subcommittee on Interior and Related Agencies of the Committee on Appropriations may serve on the Committee on Environmental Policy.

"(g) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Foreign Relations or who were serving on the Subcommittee on Foreign Operations of the Committee on Appropriations may serve on the Committee on Foreign Policy.

"(h) Only those Senators who on the day preceding the effective date of this title were

serving as members of the Committee on Governmental Affairs or who were serving on the Subcommittee on Treasury, Postal Service, and General Government or the Subcommittee on the District of Columbia or on the Subcommittee on HUD-Independent Agencies of the Committee on Appropriations may serve on the Committee on Governmental Policy.

"(i) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on the Judiciary or who were serving on the Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies of the Committee on Appropriations may serve on the Committee on Judicial Policy.

"(j) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Labor and Human Resources or who were serving on the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations, may serve on the Committee on Social Policy.

"(k) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Rules and Administration or who were serving on the Subcommittee on Legislative Branch of the Committee on Appropriations may serve on the Committee on Senate Policy.

"(l) Only those Senators who on the day preceding the effective date of this title were serving as members of the Select Committee on Indian Affairs may serve on the Committee on Native American Programs.

"(m) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Veterans' Affairs may serve on the Committee on Veteran Programs.

"(n) Only those Senators who on the day preceding the effective date of this title were serving as members of the Special Committee on Aging may serve on the Committee on Senior American Programs.

"(o) Only those Senators who on the day preceding the effective date of this title were serving as members of the Committee on Small Business may serve on the Committee on Senior American Programs.

"5. Upon the effective date of this title, the Select Committee on Ethics shall become the Committee on Senate Ethics, and the Select Committee on Intelligence shall become the Committee on Intelligence Oversight. However, the membership, functions, and duties of such committees shall remain unchanged.".

SEC. 2. Paragraphs 1, 2, 3, 4, 6, and 7 of rule XVI of the Standing Rules of the Senate are repealed, and paragraphs 5 and 8 are renumbered as paragraphs "1" and "2," respectively.

SEC. 3. Subparagraph (b) of paragraph 4 of rule XVII of the Standing Rules of the Senate is amended by striking out "(except the Committee on Appropriations)".

SEC. 4. Rule XXVI of the Standing Rules of the Senate is amended—

(a) by striking out "(except the Committee on Appropriations)" in each instance where it appears,

(b) by striking out "(except the Committee on Appropriations and the Committee on the Budget)" in each instance where it appears, and inserting in lieu thereof the following "(except the Committee on National Priorities)",

(c) by striking out "The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget." in subparagraph 5(a) and inserting in lieu thereof "The prohibition contained in the preceding sentence shall not apply to the Committee on National Priorities.",

(d) by striking out the last sentence of subparagraph 10(b), and

(e) by striking out "(except those by the Committee on Appropriations)" in subparagraph 11(b).

SEC. 5. The provisions of this resolution shall take effect on the first day of the first Congress following the date of enactment.

• Mrs. KASSEBAUM. Mr. President, today I am joining with Mr. INOUYE, Mr. DASCHLE, Mr. DODD, Mr. LUGAR, and Mr. MCCAIN in reintroducing legislation on the subject of congressional reform. This legislation is identical to Senate Resolution 131, which was introduced in the 101st Congress and Senate Resolution 260, which was introduced in the 100th Congress.

I believe comprehensive reform is vital to the effective deliberations of this body. If Congress hopes to function effectively as a coequal branch of Government, institutional reform is a necessity. Unlike the executive branch, which acts on the authority of the President, Congress can only act through consensus. Finding consensus among 535 people is never an easy undertaking. The process used to achieve consensus should not make the task more difficult.

The Senate must, of course, have rules and procedures. Without structure, orderly deliberations would be impossible. However, if those rules ignore the need for efficient action, the Senate will be largely limited to a role of reacting to administration policy initiatives rather than fulfilling our constitutional obligation, which is setting policy. That is the primary reason I believe reform is not only necessary but imperative.

The task is not impossible. Given a workable legislative format, 100 Senators can participate in making policy. I would suggest, however, that there is no conceivable format under which 100 Senators can lead in making policy. Unfortunately, I believe that is exactly what we are trying to achieve under existing rules and procedures.

All of us may have been created equal, but all U.S. Senators cannot hold equal power. We elect leaders—majority and minority leaders, committee chairmen and ranking members—but some of us don't want to let them lead.

Mr. President, I realize the Senate has a long tradition of affording procedural protections to all Members. That practice, perhaps more than any other, serves to distinguish the Senate from other legislative bodies. As a member of a minority party, I fully appreciate the importance of such protections. I would suggest, however, that there is a distinction between accommodating divergent views and accommodating dilatory intent.

In post-Watergate reform days, when this balance was lost, the Senate—tradition notwithstanding—usually acted to assert itself on the side of legislative efficiency. Even the most sacred of traditional Senate protections—the filibuster—was modified in the name of efficiency in 1975, when the vote required to invoke cloture was reduced from two-thirds to three-fifths.

Today, we face a legislative crisis much more serious than the one that precipitated the modification of cloture. Put simply, Congress is losing its ability to make policy. That failure does not mean that Government policymaking will cease. As long as we have an executive branch we will have national policies. The Pentagon, for example, is fully capable of formulating and implementing national defense policy. Our failure to act simply means Congress will neither prescribe nor oversee Government policies. That, I suggest, has begun to happen.

It is vital that Congress begin reasserting its constitutional prerogatives in the area of policy formulation and oversight. That, I believe, can only happen if we are willing to modify our framework of procedures and practices to increase the efficiency of the deliberative process. It is in the hope of furthering that objective that we are introducing this legislation.

Our measure attempts to improve legislative efficiency by, first, vesting responsibility for setting policy priorities with a leadership committee. Those who serve as chairmen and ranking members of legislative committees will serve on the Leadership Committee. They will assume the duties and functions currently performed by the Budget Committee.

The Budget Committee, by virtue of the fact that it produces and enforces the congressional budget resolution, has de facto control over setting policy priorities for the Senate. This task is the proper province of the Senate leadership. For that reason we have eliminated the Budget Committee and vested its duties with the Leadership Committee.

Significant bipartisan support for structural changes of this general nature has been expressed by Members of the Senate for a number of years. For example, in testimony before the Quayle Commission, Senator HATFIELD said he felt the Budget Committee should be composed of the chairmen of the authorizing committees.

Senator STEVENS, also addressing the Quayle Commission, voiced support for combining the budget and appropriations process as well as the authorizing and appropriating processes.

Consolidation also was supported by Senator NUNN in the form of a combined Budget/Appropriations Committee with enhanced authority to enforce

committee decisions once sanctioned by the Senate. Howard Baker indicated that, although he no longer favored eliminating authorizing committees and assigning their duties to a "super appropriations committee," he had considered the possibility of providing for authorizations and appropriations in the same bill.

While I would not propose to suggest that all those who voiced opinions about the need for procedural reform would support the Kassebaum-Inouye approach, I believe they would find much to recommend it. Our proposal follows the suggested general direction of their recommendations. In doing so, it recognizes what I believe was strongly alluded to in much of their testimony: that congressional efficiency cannot be significantly improved without an increase in the centralization of power in Congress.

Enactment of the reforms we are proposing would provide Congress with an opportunity to regain a prominent position in the formulation of national policy. It would also provide a real opportunity for making the fiscal policy deliberations of the 102d Congress a meaningful exercise. We could, once again, actually make decisions of substance on the floor of the Senate.

I ask unanimous consent that a brief description of the provisions of the Kassebaum-Inouye resolution appear at this point in the RECORD.

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

SENATE COMMITTEE AND PROCEDURAL REFORM

PURPOSE

To revise Senate committee structure to increase the influence of the leadership of standing committees in setting overall national priorities and to consolidate authorizing and appropriating responsibilities within individual legislative committees.

Restructured legislative committees, known as policy committees and program committees, will be responsible for implementing policy priorities, as determined by a Leadership Committee, through legislative authorizations and appropriations for programs, projects, and activities within their jurisdiction.

LEADERSHIP COMMITTEE

The Committee on National Priorities

The Committee on National Priorities will establish overall policy direction for the Senate by setting spending priorities for legislative committees through its jurisdiction over the Budget Act and its responsibility for reporting and enforcing annual budget resolutions.

Those who chair or serve as ranking members of legislative committees will serve on the Committee on National Priorities and will, therefore, have direct influence over formulation of policy priorities and spending levels for the Senate legislative agenda. Broad policy decisions will flow from the leadership level to the legislative level where such decisions will be transformed into legislative programs.

LEGISLATIVE COMMITTEES

Legislative Committees would be of two types: Legislative Policy Committees and Legislative Program Committees.

Legislative policy committees

Legislative policy committees will have legislative, oversight, and appropriations responsibilities for substantive areas of national policy and for national programs of importance to the Senate. These committees will perform both the authorization and appropriation functions for programs within their jurisdiction. Their exercise of the appropriation function, however, must conform to the national policy decisions of the Leadership Committee. Legislative policy committees are:

Committee on Agricultural Policy

The jurisdiction of the Committee on Agricultural Policy would include all existing responsibilities of the Committee on Agriculture, except those relating to nutrition and forest lands.

Those eligible for membership on the committee would include current members of the Committee on Agriculture and current members of the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations.

Committee on Commercial Policy

The jurisdiction of the Committee on Commercial Policy would include all existing responsibilities of the Committee on Commerce, Science, and Transportation except those relating to interoceanic canals generally, plus responsibility for highway programs and for regional economic development.

Those eligible for membership on the committee would include current members of the Committee on Commerce, Science, and Transportation and the Subcommittee on Transportation and Related Agencies of the Committee on Appropriations.

Committee on Defense Policy

The jurisdiction of the Committee on Defense Policy would include all existing responsibilities of the Committee on Armed Services.

Those eligible for membership on the committee would include current members of the Committee on Armed Services and the Subcommittees on Defense and on Military Construction of the Committee on Appropriations.

Committee on Economic Policy

The jurisdiction of the Committee on Economic Policy would include all areas relating to revenue and bonded debt currently under the jurisdiction of the Committee on Finance and all areas relating to banking, monetary policy, coinage, and the Federal Reserve currently under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

Those eligible for membership on the committee would include current members of the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget.

Committee on Energy Policy

The jurisdiction of the Committee on Energy Policy would include all current responsibilities of the Committee on Energy and Natural Resources except those relating to national parks, wilderness lands, historical lands in general, public lands, and territorial possessions of the United States,

Those eligible for membership on the committee would include current members of the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

Committee on Environmental Policy

The jurisdiction of the Committee on Environmental Policy would include current Committee on the Environment areas of jurisdiction except those relating to highways, public buildings, public works, and regional economic development. In addition, the committee would have responsibility for forest lands, public lands, national parks, and historical and scenic areas.

Those eligible for membership on the committee would include current members of the Committee on the Environment and the Subcommittee on Interior and Related Agencies of the Committee on Appropriations.

Committee on Foreign Policy

The jurisdiction of the Committee on Foreign Policy would include all current areas of responsibility of the Committee on Foreign Relations plus responsibility for foreign trade, including reciprocal trade agreements, export promotion and export controls, interoceanic canals, territorial possessions and trusteeships of the United States, and U.S. nuclear export policy.

Those eligible for membership on the committee would include current members of the Committee on Foreign Relations and the Subcommittee on Foreign Operations of the Committee on Appropriations.

Committee on Governmental Policy

The jurisdiction of the Committee on Governmental Policy would include all areas currently under the jurisdiction of the Committee on Governmental Affairs, plus responsibility for renegotiation of government contracts, public buildings, and improved grounds of the United States.

Those eligible for membership on the committee would include current members of the Committee on Governmental Affairs, plus members of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations.

Committee on Judicial Policy

The jurisdiction of the Committee on Judicial Policy would include all current responsibilities of the Committee on the Judiciary.

Those eligible for membership on the committee would include current members of the Committee on the Judiciary and the Subcommittee on Commerce, State, Justice, and Related Agencies of the Committee on Appropriations.

Committee on Social Policy

The jurisdiction of the Committee on Social Policy would include all current responsibilities of the Committee on Labor and Human Resources except the discretionary spending programs under the Older Americans Act, plus responsibility for nutrition programs generally, including school nutrition and food stamp programs, public and private housing, social security and railroad retirement, and health programs under the Social Security Act.

Those eligible for membership on the committee would include current members of the Committee on Labor and Human Resources and the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations.

Legislative program committees

Legislative program committees will have legislative, oversight, and appropriations responsibilities for specific program areas of national concern. These committees will per-

form both the authorization and appropriations functions for programs within their jurisdiction. Their exercise of the appropriation function, however, must conform to the national program decisions of the Leadership Committee. Legislative program committees are:

Committee on Native American Programs

The jurisdiction of the Committee on Native American Programs would include all existing responsibilities of the Select Committee on Indian Affairs. The committee would become a standing committee.

The membership of the committee would be composed of all current members of the Select Committee on Indian Affairs.

Committee on Veteran American Programs

The jurisdiction of the Committee on Native American Programs would include all existing responsibilities of the Committee on Veterans Affairs.

The membership of the committee would be composed of all current members of the Committee on Veterans Affairs.

Committee on Senior American Programs

The jurisdiction of the Committee on Senior American Programs would include all existing responsibilities of the Special Committee on Aging, plus legislative responsibility for all discretionary spending programs under the Older Americans Act. The committee would become a standing committee.

The membership of the committee would be composed of all current members of the Special Committee on Aging.

Committee on Entrepreneurial American Programs

The jurisdiction of the Committee on Entrepreneurial American Programs would include all existing responsibilities of the Committee on Small Business.

The membership of the committee would be composed of all current members of the Committee on Small Business.

ADMINISTRATIVE COMMITTEES

Administrative committees have basically nonlegislative functions. The chairman and ranking members of administrative committees would not serve on the leadership committee—unless such service should happen to be as an at-large member.

Committee on Senate Rules

Serves the same function as the Committee on Rules and Administration, with members drawn from that committee.

Committee on Senate Ethics

Serves the same function as the Committee on Ethics, with members drawn from that committee.

Committee on Intelligence

Serves the same function as the Committee on Intelligence, with members drawn from that committee.

COMMITTEE CHAIRMEN

Chairman and ranking-member status would be based on seniority, as would the integration of the entire membership of each new committee. Those selected to chair legislative committees would, consistent with provisions of the rules of the Senate allowing for election of committee chairmen, be the senior-ranking chairman and ranking members of the merged committees and subcommittees forming each new committee.

COMMITTEE ASSIGNMENTS

Leadership Committee

All chairmen and ranking members of legislative policy committees and legislative program committees would automatically be accorded membership on the leadership committee. In addition, a specified number of members of the Senate at large will be appointed to the committee to bring party balance on the committee to correspond with party balance in the Senate.

Legislative policy committees

Committee assignments would be based on prior committee service with members allowed to select the committees on which they desire to serve, subject to the limitations below and to the maximum committee membership limitation (17 members for each legislative policy committee).

Legislative program committees

Committee assignments would be based on prior committee service with the membership of predecessor committees transferring in total to each new legislative program committee.

Administrative committees

Committee assignments would be based on prior committee service with the membership of predecessor committees transferring in total to each new legislative program committee.

COMMITTEE MEMBERSHIP LIMITATIONS

Members could serve on no more than two legislative policy committees. Service on either a legislative program committee or an administrative committee would not limit a members ability to serve on any other committee.

Any member who either chairs or serves as the ranking member of a legislative policy committee will not serve on another legislative policy committee, although they may serve on legislative program committees or administrative committees without restriction.●

SENATE RESOLUTION 67—COMMENDING HAROLD H. BRAYMAN FOR HIS SERVICE TO THE SENATE

Mr. DOMENICI (for himself, Mr. DOLE, Mr. MITCHELL, Mr. CHAFEE, Mr. MOYNIHAN, Mr. SYMMS, Mr. BAUCUS, Mr. SIMPSON, and Mr. GORTON) submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas Hal Brayman has served the Senate as a member of the staff on the Committee on the Budget, the Committee on the Environment and Public Works, and the staff of former Senator J. Caleb Boggs for nearly 22 years;

Whereas Hal Brayman served the Environment and Public Works Committee from 1970 through 1986;

Whereas Hal Brayman served as the assistant staff director of the Environment and Public Works Committee from 1981 through 1986;

Whereas Hal Brayman has served as special advisor to the Ranking Republican Member of the Committee on the Budget from 1986 through 1991;

Whereas Hal Brayman has distinguished himself as a leading expert in federal water resources and public infrastructure policies;

Whereas Hal Brayman has carried out his duties and responsibilities with the highest degree of professional integrity and dedication to service; and

Whereas Hal Brayman has earned the Senate's affection and esteem: Now, therefore, be it

Resolved, That Harold H. Brayman is hereby Commended for his faithful and exemplary service to his country and to the United States Senate.

SENATE RESOLUTION 68—MAKING MINORITY PARTY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 68

Resolved, That the membership on the Committee on Ethics for the minority party consist of Messrs. RUDMAN, LOTT, and GORTON to serve until their successors are appointed.

SENATE RESOLUTION 69—ESTABLISHING A TRIBUNAL TO ADDRESS WAR CRIMES COMMITTED BY IRAQ

Mr. MCCAIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 69

Whereas the military forces of Iraq in occupation of Kuwait, acting under the direction of the Government of Iraq, deliberately undertook to make hostile use of the environment by releasing millions of gallons of oil into the Persian Gulf;

Whereas the military forces of Iraq in occupation of Kuwait, acting under the direction of the Government of Iraq, undertook to destroy the oil production infrastructure of Kuwait, thereby causing incalculable damage to the regional environment;

Whereas Iraq and Kuwait are signators to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed in Geneva, Switzerland, on May 18, 1977;

Whereas Article I of the Convention reads: "Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party."

Whereas the military forces of Iraq in occupation of Kuwait, acting under the direction of the Government of Iraq, grossly violated the IV Geneva Convention governing the treatment of civilian populations in occupied territories by the forces in occupation,

Whereas the military forces of Iraq, acting under the direction of the Government of Iraq, grossly violated the III Geneva Convention governing the treatment of prisoners of war: Now, therefore be it

Resolved, That it is the sense of the Senate that: the political and military leadership of Iraq are guilty of grave violations of international law and crimes against humanity and that the President should conclude an agreement with the other foreign governments allied with the United States in Operation Desert Storm, the liberation of Kuwait, for the establishment of an international tribunal with jurisdiction to judge the political and military leaders of Iraq, including and most importantly Saddam Hussein, as war criminals, for their repeated violations of the Third and Fourth Geneva Conventions and the Convention on the Prohibi-

tion of Military or Any Other Hostile Use of Environmental Modification Techniques.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. McCAIN. Mr. President, I am introducing today a Senate resolution that asks the President to negotiate with the governments of the United States' allies in the liberation of Kuwait to establish an international tribunal to judge and punish Saddam Hussein and the political and military leadership of Iraq as war criminals.

Now that the Armed Forces of the United States and our allies have so thoroughly defeated the Iraqi military in the Kuwaiti theater of operations, the allied coalition have enforced nearly all of the resolutions of the United Nations Security Council relevant to the invasion and occupation of Kuwait. One provision of the last resolution, 678, remains to be fully enforced. In addition to authorizing the use of force to eject Iraqi forces from Kuwait, Resolution 678 also calls on the allied coalition to restore "international peace and security" in the region.

Mr. President, I submit that enduring peace and security in the region cannot be ensured until the political and military leaders of Iraq are exposed and punished for their crimes against humanity. Without a clear indication that the international community under the leadership of the United States intends to enforce international laws, the Middle East, and indeed, much of the rest of the world will remain areas of instability and conflict.

Mr. President, the United States in Operation Desert Storm has brought freedom to Kuwait. Now, it is our responsbility, and that of our allies to bring justice to the region.

The military forces of Iraq, acting under the direct orders of the political leadership of Iraq committed grave violations of the Third Geneva Convention governing the treatment of prisoners of war when they grossly mistreated allied pilots shot down over Iraq.

The military forces of Iraq, acting under the direct orders of the political leadership of Iraq committed grave violations of the Fourth Geneva Convention governing the treatment of civilian populations in occupied territories by the forces of occupation when they pillaged, sabotaged, raped, tortured, and slaughtered their way through 7 months of occupation.

The military forces of Iraq, acting under the direct orders of the political leadership of Iraq committed grave violations of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, signed by Iraq in 1977, when they dumped millions of gallons of oil into the Persian Gulf, destroyed the entire oil production infrastructure of Kuwait, deliberately causing incalculable harm to the regional environment for many years to come.

The military forces of Iraq, acting under the direct orders of the political leadership in Iraq, committed grave violations of article 23 of the Hague Convention when they repeatedly fired Scud missiles at the civilian populations of a nonbelligerant, Israel.

Mr. President, peace and security in any region of the world rests primarily on respect for international law. The leadership of Iraq, from Saddam Hussein, his loyal coterie of political enforcers, and the commanders of his military hold international law in contempt. There will be no peace, no security in the Persian Gulf until these criminals learn to respect the laws governing relations between nations, and until all the peoples of the region observe firsthand America's devotion to justice and human rights.

I understand that there is existing legislation that calls for the prosecution of Iraqi war criminals and the establishment of an international tribunal charged with that responsibility. However, I do not believe that any of the existing proposals cites Iraqi environmental terrorism as a war crime nor calls for punishment of that offense. Therefore, I encourage all my colleagues to join me in cosponsoring this resolution.

SENATE RESOLUTION 70—RELATIVE TO LIMITS ON CAMPAIGN EXPENDITURES

Mr. SANFORD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 70

Resolved, That for the purposes of this resolution—

(1) the term "authorized committee" means, with respect to a candidate for election to the office of United States Senator, a political committee that is authorized in writing by the candidate to accept contributions or make expenditures on behalf of the candidate to further the election of the candidate;

(2) the term "candidate" means an individual who is seeking nomination for election, or election, to the office of United States Senator, and such an individual shall be deemed to be seeking nomination for election, or election, if the individual meets the criteria stated in subparagraph (A) or (B) of section 301(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2));

(3) the term "election cycle" means, with respect to an election to any Senate seat—

(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat that the candidate seeks and ending on the date of the next election; or

(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

(4) the term "general election" means an election that will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

(5) the term "immediate family" means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person;

(6) the term "primary election", with respect to an election to any Senate seat, means an election that may result in the selection of a candidate for the Senate on the ballot in a general election;

(7) the term "primary election period", with respect to an election to any Senate seat, means the period beginning on the day following the date of the last Senate election for that seat and ending on the first of—

(A) the date of the first primary election for that seat following the last Senate election for that seat; or

(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

(8) the term "runoff election", with respect to an election to any Senate seat, means an election held after a primary election for that seat, prescribed by State law as the means for deciding which candidate shall be certified as nominee for the Senate;

(9) the term "runoff election period", with respect to an election to any Senate seat, means the period beginning on the day following the date of the last primary election for that seat and ending on the date of the runoff election for that seat;

(10) the term "voting age population" means the resident population, 18 years of age or older, as certified pursuant to section 315(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(e));

(11) the term "independent expenditure" does not include an expenditure made by a separate, segregated fund or any other political committee if such fund or committee is established, administered, controlled, or financially supported directly or indirectly by a connected organization which is required to register, or pays for the services of a person who is required to register, under the Federal Regulation of Lobbying Act (2 U.S.C. 267), for the purpose of influencing legislation on behalf of the connected organization; and

(12) unless otherwise defined in this section, terms used in this resolution that are defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) have the meanings stated in section 301 of the Federal Election Campaign Act of 1971.

SEC. 2. LIMITATIONS ON EXPENDITURES.

(a) PERSONAL FUNDS.—No candidate shall—

(1) make expenditures from the personal funds of the candidate or the funds of a member of the immediate family of the candidate; or

(2) incur personal debt, in excess of $50,000 in connection with the candidate's campaign for the Senate during an election cycle.

(b) GENERAL ELECTIONS.—(1) Subject to paragraph (2), no candidate may make expenditures for a general election in excess of the lesser of—

(A) $5,500,000; or

(B) the greater of—

(i) $950,000; or

(ii) $400,000 plus 40 cents multiplied by the voting age population of 4,000,000 or less, plus 25 cents multiplied by the voting age population over 4,000,000.

(2) In a State with only 1 transmitter for a commercial Very HIgh Frequency television station licensed to operate in that State, a candidate may make expenditures for a general election in the amount of the lesser of—

(A) $5,500,000; or

(B) the greater of—

(ii) $400,000 plus 55 cents multiplied by the voting age population of 4,000,000 or less, plus 40 cents multiplied by the voting age population over 4,000,000.

(c) PRIMARY ELECTIONS.—No candidate may make expenditures for a primary election in excess of 67 percent of the limitation on expenditures for the general election determined under subsection (b).

(d) RUNOFF ELECTIONS.—No candidate may make expenditures for a runoff election in excess of an amount equal to 20 percent of the limitation on expenditures for the general election determined under subsection (b).

(e) INCREASES IN LIMITATION BASED ON INCREASES IN PRICE INDEX.—(1) At the beginning of each calendar year, the Committee on Rules and Administration shall compute increases in the amounts stated in subsection (b) based on the increase in the price index determined under section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)), except that for purposes of determining such increases, the base period shall be the calendar year of the first election after the date of adoption of this resolution, and on publication of such increases by the Committee on Rules and Administration, the amount stated in subsections (b), (c), and (d) shall be deemed to be increased accordingly.

(f) COMPLIANCE FUNDS.—(1) The limitation stated in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to ensure compliance with the Federal Election Campaign Act of 1971, if—

(A) the compliance fund contains only contributions (including contributions recieved in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a)) received in accordance with the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971 and this resolution;

(B) the amount of contributions to and expenditures from the compliance fund do not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

(C) no transfers are made from the compliance fund to any other accounts of the candidate's authorized committees.

(2) If, after a general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from a compliance fund in excess of the limitation stated in paragraph (1), the candidate may petition the Committee on Rules and Administration for a waiver of such limitation up to any additional amount that the Committee may authorize.

(3) Any money remaining in a compliance fund when a candidate decides to terminate or dissolve the compliance fund shall be—

(A) contributed to the United States Treasury to reduce the budget deficit; or

(B) transferred to a compliance fund of a subsequent campaign of that candidate.

(g) INCREASES IN LIMITATIONS TO MATCH INDEPENDENT EXPENDITURES IN ELECTIONS.—(1) If, during a primary election period, runoff election period, or a general election, independent expenditures aggregating more than $10,000 are made or obligated to be made in opposition to a candidate or for the opponent of a candidate, the limitations stated in subsections (b), (c), and (d), as they apply to such candidate, shall be deemed to be increased for that primary, runoff, or general election in an amount equal to twice the amount of such independent expenditures made in excess of $10,000 during the primary election period, the runoff election period, or the general election.

(2) Not later than 24 hours after a person makes, obligates to make, or authorizes independent expenditures in excess of $500 (without regard to previously reported expenditures), such person shall submit a report with respect to such expenditures to the Federal Election Commission and the campaign committee of the opposing candidate.

SEC. 3. EXPENDITURES BY PERSONS OTHER THAN A CANDIDATE.

(a) EXPENDITURES WHICH ARE NOT INDEPENDENT.—A candidate who, directly or through an authorized committee, cooperates or consults with any person in the making of an expenditure toward the advocacy of the election of the candidate or the defeat of the candidate's opponent, shall, before providing such cooperation or consultation—

(1) obtain the agreement of such person to report the amount of the expenditure to the candidate's principal campaign committee; and

(2) instruct the treasurer of the principal campaign committee to report such expenditure, on reports required to be filed under the Federal Election Campaign Act of 1971, as a contribution to and an expenditure against the prescribed limits by the candidate.

(b) INDIVIDUAL EXPENDITURES.—(1) The Senate finds that as there are no limitations on the amount an independent and unrelated individual or organization may expend on behalf of, or in opposition to, any candidate, it is in the public interest to have timely public information of such expenditures.

(2) A person shall, within 24 hours of making, obligating to make, or authorizing an independent expenditure, report such expenditure with the Federal Election Commission and the campaign committee of the opposing candidate.

SEC. 4. CODE OF CAMPAIGN CONDUCT.

(a) PROPOSAL.—The Committee on Rules and Administration shall study and, not later than 120 days after the date of adoption of this resolution, introduce a resolution proposing the adoption of a Code of Campaign Conduct.

(b) TOPICS TO BE ADDRESSED.—In addition to other topics that the Committee considers to be appropriate, the Code of Campaign Conduct proposed by the Committee shall consider—

(1) prohibition on the use of a negative advertisement that is essentially untrue; and

(2) prohibitions on the use of statements or advertising that is reasonably calculated to exacerbate racial strife or to appeal to negative prejudices related to racial differences.

(c) AMENDMENT OF CODE OF CAMPAIGN CONDUCT.—After a Code of Campaign Conduct is adopted by the Senate, the Senate Committee on Rules and Administration may propose, by introduction of a resolution, additional standards of ethical conduct which, if adopted by the Senate, shall apply to Senate elections following the date of adoption of the resolution.

SEC. 5. ENFORCEMENT.

(a) IN GENERAL.—An allegation of violation of section 2, 3, or 4 shall be referred to the Senate Select Committee on Ethics for investigation and finding, which finding shall stand unless overruled or amended by a vote of the Senate not less than 30 calendar days after the making of the finding, and which finding shall include at least one of the following recommendations:

(1) That, as a minimum, the appropriate party conference be required to deny the Senator recognition of seniority for seat assignment, and to place, for the duration of the term, the Senator in last place in seniority or any Senate committee to which the Senator is assigned.

(2) That a Senator be placed last on the seniority list for office space assignment and be declared ineligible for appointment to preside over the Senate or participate on ceremonial or representative committees.

(3) That a Senator be censured.

(4) That an incumbent Senator be expelled or a Senator-elect not be seated.

(b) NONINCUMBENT CANDIDATES.—(1) This resolution is intended to govern the election campaigns of nonincumbents as well as those of incumbents in the Senate, and shall be enforced against a nonincumbent upon the nonincumbent's election to the Senate.

(2) The Secretary of the Senate shall send a copy of this resolution to a nonincumbent candidate not later than 5 days after receipt of any filing by the candidate made with the Secretary under 302(g)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)(2)).

AMENDMENTS SUBMITTED

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

SMITH (AND OTHERS) AMENDMENT NO. 15

Mr. SMITH (for himself, Mr. COATS, Mr. GRASSLEY, Mr. ROTH, and Mr. COCHRAN) proposed an amendment to the resolution (S. Res. 62) authorizing biennial expenditures by committees of the Senate, as follows:

At the appropriate place, add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorization would greatly assist the Senate in the performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each committee reporting legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program. It is further

the sense of the Senate that the Congressional Budget Office shall request and evaluate an enumeration from each department or agency administering or proposed to administer any such program and that, whenever practicable, such evaluation of an enumeration shall be included in the report accompanying such legislation.

HELMS (AND OTHERS) AMENDMENT NO. 16

Mr. HELMS (for himself, Mr. SMITH, Mr. LOTT, and Mr. COATS) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

(a) On page 16, line 15, strike "$2,774, 561" and insert in lieu thereof, "$2,429,561".

(b) On page 16, line 25, strike "$2,891,437" and insert in lieu thereof, $2,533,437".

FORD (AND SMITH) AMENDMENT NO. 17

Mr. FORD (for himself and Mr. SMITH) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

In lieu of the language proposed to be inserted, add the following new section:

SEC. . STATE EQUITY.

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each State under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each State under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of acheiving the objectives set forth in subsection (b) of this section.

BROWN (AND BOND) AMENDMENT NO. 18

Mr. BROWN (for himself and Mr. BOND) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

That this resolution may be cited as the "Omnibus Committee Funding Resolution for 1991 and 1992".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1991, through February 29, 1992, in the aggregate of $54,433,572, and for the period March 1, 1992, through February 28, 1993, in the aggregate of $56,569,485 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of telecommunications expenses provided by the Office of the Sergeant of Arms, United States Senate, Department of Telecommunications, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the appropriations account for "Expenses of Inquiries and Investigations.".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,981,783, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,054,457, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,879,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,058,867, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,900,029, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,018,641, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,721,304, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,832,878, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,382,402, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,521,080, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $3,769,571, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,924,123, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,727,832, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,839,673, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,701,485, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,804,715, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,929,442, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $3,027,500, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,774,561, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,888,318, of which amount not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,056,605, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,263,926, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with

particular references to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $4,979,958, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,171,893, of which amount (1) not to exceed $40,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $5,293,756, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $5,510,800, of which amount not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,459,163, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,518,989, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with this jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,047,108, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,090,039, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,195,204, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee

(under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,244,208, of which amount not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, as amended, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,213,792.

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,239,556.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $2,356,636, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $2,453,258, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, and in exercising the authority conferred on it by such section, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this section shall not exceed $1,062,982, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this section shall not exceed $1,106,564, of which amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

ELIMINATION OF SPECIAL RESERVE

SEC. 22. (a) It is the sense of the Senate that the funds authorized for any Senate committee by Senate Resolution 66, agreed to February 28, 1989, for the funding period ending on the last day of February 1991, any unexpended balance remaining after such last day shall be returned to the Treasury.

(b) It is the sense of the Senate that funds returned to the Treasury pursuant to subsection (a) should be reprogrammed and made available for the Headstart Program.

SEC. 23. STATE EQUITY

(a) Congress finds:

(1) that the equitable distribution of Federal funds among States is an important public policy consideration;

(2) that the Senate has frequently been asked to consider legislation with inadequate information about the fiscal impact of that legislation on the various States; and

(3) that a State-by-State breakdown of the disposition of funds under pending authorizations would greatly assist the Senate in performance of its constitutional responsibilities.

(b) It is the sense of the Senate that each department or agency administering or proposed to administer legislation making an authorization or reauthorization of any program where funds are provided in accordance with a formula for distribution shall, whenever possible, make available to the Senate an enumeration of funds received by each state under such program in the most recent available fiscal year or, in the case of a new program and where practicable, an enumeration of funds which would be available to each state under such program.

(c) The Congressional Budget Office shall submit to the Committee on Rules and Administration no later than May 15, 1991, a report evaluating the most practicable means of achieving the objectives set forth in subsection (b) of this section.

NATIONAL ENERGY SECURITY ACT OF 1991

BINGAMAN AMENDMENT NO. 19

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill (S. 341) to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes, as follows:

On page 153, line 21, amend the second sentence of section 10003(b) to read as follows: "The Commission shall permit the applicant to select a contractor from among a list of such individuals or companies determined by the Commission to be qualified for such work.".

On page 154, following line 2, insert the following:

"(c) ENVIRONMENTAL ASSESSMENTS.—Where an environmental assessment is prepared in connection with applications for authority to construct or operate facilities or projects under the Natural Gas Act or the Federal Power Act, the Federal Energy Regulatory Commission shall permit an applicant, or a contractor, consultant, or other person selected by the applicant, to prepare such environmental assessment. The Commission shall institute a procedure, including preapplication consultations to advise potential applicants of studies or other information forseeably required by the Commission, to facilitate the submission of such applicant-prepared environmental assessments as part of the application for authority to construct or operate facilities or projects under the Commission's jurisdiction. Upon receipt of the environmental assessment, the Commission shall make an independent assessment of the environmental issues and take responsibility for the scope and content of the environmental assessment.

"(d) EX PARTE RULES.—The Federal Energy Regulatory Commission, within 12 months of the date of enactment of this Act, shall amend its rules governing ex parte communications to clarify that the prohibitions contained in such rules do not apply to communications between the Commission's environmental staff and other Federal agencies that are cooperating agencies for purposes of compliance with section 2 and title I of the National Environmental Policy Act of 1969, and shall revise its rules governing ex parte communications in order to achieve greater clarity as to the scope of such rules."

On page 162, following line 3, insert the following:

UNOPPOSED APPLICATIONS

"SEC. 10009.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by:

(a) redesignating subparagraph (B) as subparagraph (C); and

(b) inserting after subparagraph (A) the following new subparagraph:

(B)(i) In any case not described in the proviso of subparagraph (A), the Commission shall file notice in the Federal Register of the proposed certificate of public convenience and necessity as soon as the required information in connection therewith has been received by the Commission. If no protest or objection has been filed in response to such notice within 60 days after publication of such notice, the certificate of public convenience and necessity shall be deemed to be issued.

'(ii) Within 90 days of the enactment of this subparagraph, the Commission shall institute a procedure for dealing expeditiously with protests which do not raise material issues of fact necessitating an evidentiary hearing.'."

On page 162, following line 3, insert the following:

CERTIFICATE NOT REQUIRED FOR REPLACEMENT FACILITIES

"SEC. 10010.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end the following new subparagraph:

'(D) The term "facilities" as used in this section shall exclude facilities which constitute the replacement or repair of existing facilities which have or will soon become physically deteriorated or obsolete to the extent that replacement is deemed advisable, provided that such repair or replacement does not result in a reduction or abandonment of service rendered by means of such facilities, and provided that such replacement has substantially equivalent designed delivery capacity as the particular facilities being replaced.'."

On page 162, following line 3, insert the following:

CONCLUSIVE EVIDENCE OF NEED

"SEC. 10011.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end thereof the following new subparagraph:

'(E) In such hearing under subparagraph (C), contractual commitments for firm natural gas service to be rendered utilizing the facilities proposed to be constructed or extended shall be conclusive evidence of the need for such proposed service and facilities and shall be sufficient to dismiss any claim of mutual exclusivity by another applicant.'."

On page 162 following line 3 insert the following:

PHASED CERTIFICATE PROCEDURES

"SEC. 10012.—Section 7(c)(1) of the Natural Gas Act (15 U.S.C. 717f(c)(1)) is amended by adding at the end thereof the following new subparagraph:

'(F) In such hearing under subparagraph (C), the Commission, where appropriate, may phase its consideration of issues raised in connection with the application and may issue an initial order containing preliminary findings with respect to such issues. Such initial order shall be subject to rehearing and court review under section 19 hereof. Notwithstanding the preliminary findings in such initial order, the issuance of a certificate of public convenience and necessity will be subject to a final order based upon the complete record of the hearing under subparagraph (C).'."

On page 162, following line 3, insert the following:

PROCEDURES FOR PRIORITY NATURAL GAS FACILITIES

"SEC. 10013.—Section 7 of the Natural Gas Act (15 U.S.C. 717f) is amended by adding at the end thereof the following new subsection:

'(i) PRIORITY NATURAL GAS FACILITIES.—(1) An applicant for a certificate of public convenience and necessity for authority to construct, or extend, and operate a natural gas facility may request designation of such proposed facility as a Priority Natural Gas Facility. Such request shall be made as part of the application for a certificate of public convenience and necessity.

'(2) The Commission shall provide public notice of the receipt of a request for designation as a Priority Natural Gas Facility and an opportunity for the filing of an application for a certificate of public convenience and necessity, and a request for designation as a Priority Natural Gas Facility, for a facility that may be competitive with or mutually exclusive of the facility proposed in the application noticed by the Commission.

'(3) The Chairman of the Commission, in consultation with the Secretary of Energy, may by order designate a proposed natural gas facility as a Priority Natural Gas Facility for purposes of instituting a procedure for limiting the duration of administrative procedures for the authorization of such facility and judicial procedures related to such actions. The Chairman shall issue an order designating a proposed natural gas facility as a Priority Natural Gas Facility or denying the applicant's request within 45 days of the close of the comment period specified in paragraph (2). Denial of a request for designation shall not constitute rejection of the application for a certificate of public convenience and necessity and shall not prejudice the Commission's consideration of such application. The Chairman shall designate a proposed natural gas facility to be a Priority Natural Gas Facility if the applicant has made a prima facie showing that natural gas delivered by the facility would—

'(A) reduce the Nation's dependence on imported oil;

'(B) facilitate the construction of needed electric generating capacity;

'(C) contribute to the achievement of environmental objectives;

'(D) contribute to the achievement of other defined national energy policy goals.

'Nothing shall preclude the Chairman from designating more than one competing application to be a Priority Natural Gas Facility if he so determines consistent with the criteria specified herein. A decision by the Chairman to designate or not to designate a proposed natural gas facility as a Priority Natural Gas Facility shall not be subject to judicial review.

'(4) Each federal agency required by law to issue a certificate, right-of-way, permit, lease, or other authorization for the construction and initial operation of a natural gas facility designated to be a Priority Facility under paragraph (3) shall issue a final decision or take such action at the earliest practicable date, but in no case later than 12 months after the date of the Chairman's designation order. Nothing in this subsection shall affect the Commission's responsibility to comply with the National Environmental Policy Act of 1969, nor shall this subsection be construed to mean that any Federal agency decision or action should be favorable or unfavorable toward a particular Priority Project.

'(5) Notwithstanding any other provision of law, the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over the actions of Federal officers or agencies taken pursuant to paragraph (4).'."

On page 162, following line 3, insert the following:

NONJURISDICTIONAL FACILITIES

"SEC. 10014.—(a) Section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)) is amended by adding the following at the end thereof: 'The Commission shall not infer any control or responsibility over these or other nonjurisdictional activities for purposes of carrying out its environmental responsibilities under this or any other Federal statute.'

(b) Section 1(c) of the Natural Gas Act (15 U.S.C. 717(c)) is amended by adding the following at the end thereof: 'The Commission shall not infer any control or responsibility over these or other nonjurisdictional activities for purposes of carrying out its environmental responsibilities under this or any other Federal statute.'."

• Mr. BINGAMAN. Mr. President, today I am introducing a series of amendments to the natural gas regulatory provisions of S. 341, the National Energy Security Act of 1991. These amendments complement the approach taken by the distinguished chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, and the distinguished ranking minority member, Senator WALLOP, in drafting title X of S. 341.

Natural gas is an abundant fuel that is available at reasonable prices. On an energy equivalent basis, natural gas sells at significant discount to oil. Over 90 percent of the natural gas consumed in the United States is produced domestically. Our neighbor to the north, Canada, supplies almost all natural gas consumed in the United States that is not produced here at home. Natural gas can displace imported oil in a variety of applications. Natural gas is our cleanest fossil fuel and can make an important contribution to cleaning up our environment. Natural gas can fuel the powerplants that we will need to bring on-line in the near future. Natural gas can make important contributions to achieving our Nation's energy and environmental policy goals. Consequently, we should make every effort to remove impediments to natural gas achieving its potential.

Regulatory delays in the approval of proposed natural gas pipeline facilities result in significant economic costs. These costs affect not only the sponsor of the proposed pipeline project, but also the customers that might be served by an enhanced supply of natural gas and the economy in general. In a paper delivered last November at the midyear meeting of the Federal Energy Bar Association, George Hall, a former member of the Federal Energy Regulatory Commission, attempted to quantify the costs associated with regulatory delay. These costs included the balance of payment costs from the importation of oil that could have been displaced by domestic natural gas; costs incurred by using a less efficient or more costly fuel; and environmental costs from using a more polluting fuel instead of natural gas. As a case study, Mr. Hall examined a proposed expansion of the Florida Gas Transmission System pipeline that took almost 4 years of proceedings at the FERC to win approval. Mr. Hall estimated that if the proceedings could have been cut short by 1 year, between $261 million and $195 million in economic and environmental costs could have been saved. In addition, balance of payments costs of $130 million could have been avoided. Mr. President, I ask unanimous consent that a copy of Mr. Hall's paper be reprinted in the RECORD.

In connection with oversight hearings last year, the staff of the Subcommittee on Environment, Energy and Natural Resources of the House

Committee on Governmental Operations estimated that it took the FERC an average of 693 days—almost 2 years—to process the contested major certificate applications that it eventually approved in 1990. In the FERC's defense, its record for approving certificate applications on a timely basis has been improving steadily over the past several years. Furthermore, some portion of the delays associated with certificate applications can be attributed to legal requirements outside of the FERC's control, incomplete applications filed by applicants, and the litigiousness of the parties to the FERC process. Also, the FERC has pending a rulemaking proceeding in which it is attempting to deal with these issues administratively.

My amendments to title X of S. 341 are directed toward streamlining the procedure under section 7 of the Natural Gas Act for the issuance of certificates of public convenience and necessity for the construction and operation of natural gas pipelines. While much of discussion regarding pipeline construction has focused on the creation of alternatives to the traditional section 7 procedure, I believe that in many circumstances pipeline companies will continue to use the traditional procedure. Consequently, some effort should be made to make the section 7 procedure work better. That is the point of the amendments that I introduce today. Let me briefly describe the amendments.

The first set of amendments addresses the process at the FERC for compliance with the National Environmental Policy Act—or NEPA. Section 10003(b) of S. 341 directs the FERC to permit, at an applicant's request, the preparation of environmental documents—that is, environmental impact statements and environmental assessments—by third-party contractors compensated by the applicant. As introduced, this section specified that the environmental contractor would be chosen by the FERC in its sole discretion. My amendment would amend section 10003(b) to provide that an applicant may select a contractor from a list of qualified contractors determined by the FERC.

Second, my amendment would add a new section 10003(c) directing the FERC to permit applicants, or contractors selected by applicants, to prepare environmental assessments—or EA's. In addition, this new subsection would direct the FERC to adopt procedures to facilitate the submission of applicant-prepared EA's as part of an application filed under the Natural Gas Act or the Federal Power Act.

Third, my amendment would add a new section 10003(d) directing the FERC to amend its rules governing ex parte communications. The FERC would be required to amend such rules to clarify that such rules do not apply to communications with other Federal agencies as part of the NEPA process. FERC would also be required to clarify the general scope of such ex parte rules in order to prevent the recurrence of controversies such as that which surrounded the FERC's consideration of the Iroquois pipeline application in 1990.

The next set of amendments would address the requirements under section 7 of the Natural Gas Act for the issuance of a certificate of public convenience and necessity to construct and operate an interstate natural gas pipeline. The first of these amendments would amend section 7(c)(1) of the Natural Gas Act to state that a certificate shall be deemed to be issued where no protest or objection to an application is received within 60 days of public notice. This amendment also directs the FERC to adopt a procedure for dealing expeditiously with protests that do not raise material issues of fact.

The second of these amendments would amend section 7(c)(1) of the Natural Gas Act to clarify that FERC authorization is not required for the replacement of pipeline facilities that have become physically deteriorated or obsolete. This would be conditioned on the fact that such replacement facilities not result in the reduction or abandonment of service or an increase in a pipeline's delivery capacity. As part of the FERC's pending rulemaking to amend its regulations governing certificate applications, the FERC issued an interim rule requiring at least 30 days notice for the replacement of facilities and proposed a rule to acquire certificate authority for such activities. The proposed amendment would codify section 2.55(b) of the FERC's regulations, which the FERC proposes to repeal as part of its pending rulemaking.

The third of these amendments would amend section 7(c)(1) of the Natural Gas Act to establish that contractual commitments for firm service utilizing the proposed pipeline facility shall be deemed conclusive evidence that there is a need for the proposed facility. Evidence of such contractual commitments shall be sufficient to dismiss any claim of mutual exclusively by another applicant. This deals with the so-called Ashbacker rule and the issue of the need to hold a comparative hearing in cases where mutually exclusive certificate applications are pending. The proposed amendment is not intended to alter the standard applied by the FERC under its optional certificate—or OC—regulations where the issues of a case-specific determination of need and the Ashbacker rule do not arise. In its OC regulations the FERC establishes as prerequisites for the issuance of an optional certificate that the applicant must bear the financial risk of the project and that any certificate issued shall be nonexclusive.

The fourth amendment codifies the so-called phase certificate procedure that the FERC has adopted administratively. This permits the FERC to use separate procedural tracks for the environmental and nonenvironmental issues associated with a certificate application. In this way, the FERC's preliminary consideration of economic and competitive issues associated with a certificate application are not delayed by the pendency of the environmental review. The FERC may issue an initial order containing preliminary findings with respect to all nonenvironmental issues. This order would be subject to rehearing. While such preliminary findings may support the FERC's ultimate approval of a proposed pipeline, the findings and a decision on whether to issue a certificate would remain subject to the completion of the environmental review. The FERC has found that the phasing procedure provides applicants with greater certainty for purpose of initiating financing efforts and contract negotiations at an early date. This ultimately can shorten the period of time between the filing of an application and the initiation of service.

The next amendment would amend the Natural Gas Act to add a new section 7(i). This new section would authorize a fast-track administrative procedure for the consideration of applications to construct priority natural gas facilities. The Chairman of the FERC, in consultation with the Secretary of Energy, would be authorized to make such a designation on the basis of a demonstration by the applicant that natural gas delivered using the proposed pipeline would displace imported oil, fuel electric generation, contribute to environmental compliance, or otherwise advance the achievement of other national energy policy objectives. The section would provide an opportunity for the filing and consideration of competing applications as part of the designation process.

Designation as a priority facility would not predetermine the issuance of a certificate under section 7 of the Natural Gas Act. It would merely trigger an expedited administrative procedure for the FERC's decision whether to issue a certificate and for decisions by other Federal agencies that must issue rights-of-way, permits and other authorizations as prerequisite to the construction and initial operation of the proposed pipeline. This expedited procedure would not affect the FERC's, or any other Federal agency's responsibility to comply with NEPA. Under the new section 7(i) final agency decisions on whether to grant such authorizations would have to be issued within 12 months of the Chairman's designation order.

My final amendment clarifies the scope of the FERC's responsibility for nonjurisdictional facilities and activi-

ties. This amendment proposes to amend section 1(b) and section 1(c) of the Natural Gas Act. These sections of the Natural Gas Act embody the statement of the FERC's natural gas jurisdiction under that statue. The purpose of this amendment is to curtail the scope of the FERC's environmental review of nonjurisdictional facilities that are constructed with, or related to, a jurisdictional project. A nonjurisdictional facility that is not itself a major federal action should be subject to FERC review under NEPA in only limited circumstances. In many cases, however, the FERC has required applicants to submit extensive documentation with regard to issues arising in connection with nonjurisdictional facilities. For example, in a case where an interstate pipeline sought a certificate to add delivery points for two distribution company customers, FERC required the submission of information on the State and local environmental reviews and permits for the small gas line extensions built by the tow distributor customers. This level of inquiry, and that proposed by the FERC in its pending rulemaking, exceed that required of the FERC under the public interest standard of the Natural Gas Act and the directive of NEPA. The requirements that the FERC imposes on applicants as part of the NEPA process are contrary to both case laws interpreting NEPA and the Council on Environmental Quality's guidelines implementing NEPA. Such requirements are burdensome and can greatly delay the consideration of a certificate application.

Mr. President, I ask unanimous consent that a summary of the amendments be printed in the RECORD.

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

AMENDMENTS TO TITLE X OF S. 341, THE NATIONAL ENERGY SECURITY ACT OF 1991.

1. ENVIRONMENTAL CONTRACTORS

Amend section 10003(b) to specify that an applicant may select a contractor to prepare environmental documents (environmental impact statements and environmental assessments) in connection with an application under the Natural Gas Act (NGA) or the Federal Power Act (FPA) from a list of such contractors determined by the Federal Energy Regulatory Commission (FERC) to be qualified to do such work. As introduced, section 10003(b) specified that such contractor shall be chosen by the FERC in its sole discretion.

2. ENVIRONMENTAL ASSESSMENTS

Amend section 10003 to add a new subsection (c) directing the FERC to: (i) permit an applicant, or a contractor selected by an applicant, to prepare an environmental assessment (EA); and (ii) adopt procedures to facilitate the submission of an applicant-prepared EA as part of the application submitted pursuant to the NGA or the FPA.

3. EX PARTE RULES

Amend section 10003 to add a new subsection (d) directing the FERC to amend its rules governing *ex parte* communications to clarify: (i) that such rules do not apply to communications with other Federal agencies as part of the NEPA process; and (ii) the general scope of such rules.

4. UNOPPOSED APPLICATIONS

Add a new section 10009 amending NGA section 7(c)(1) to provide that: (i) where no protest is received within 60 days of public notice of an application for a certificate of public convenience and necessity, the certificate shall be deemed to be issued; and (ii) the FERC shall institute a procedure for dealing expeditiously with protests that do not raise material issues of fact. Similar to section 2(e) of H.R. 779, the Natural Gas Enhancement Act of 1991.

5. REPLACEMENT FACILITIES

Add a new section 10010 amending NGA section 7(c)(1) to provide that the term "facilities" as used in NGA section 7 shall not include natural gas facilities that constitute the repair or replacement of existing facilities that have become physically deteriorated or obsolete provided that such activities do not result in the reduction or abandonment of service or an increase in delivery capacity. Similar to section 2(d) of H.R. 779.

6. CONCLUSIVE EVIDENCE OF NEED

Add a new section 10011 amending NGA section 7(c)(1) to provide that contractual commitments for firm service to be rendered utilizing proposed facilities shall be conclusive evidence of need and shall be sufficient to dismiss any claim of mutual exclusivity by another applicant.

7. PHASED CERTIFICATE PROCEDURES

Add a new section 10012 amending NGA section 7(c) to provide that the FERC may: (i) phase its consideration of issues raised in connection with an application for a certificate of public convenience and necessity; and (ii) issue an initial order containing preliminary findings with respect to such issues which order shall be subject to rehearing. The issuance of a certificate will remain subject to a final order based on the complete record of the proceeding. This section codifies the phased certificate procedure currently used by the FERC.

8. PROCEDURE FOR PRIORITY NATURAL GAS FACILITIES

Add a new section 10013 amending NGA section 7 to add a new section 7(i) to authorize the Chairman of the FERC, in consultation with the Secretary of Energy, to designate pipeline projects for fast track administrative and judicial review. Designation would be made on the basis of an applicant's *prima facie* showing of the proposed facility's potential to displace imported oil, fuel electric generation, contribute to environmental compliance, or further other national energy policy objectives. This procedure would expedite the certificate process, as well as the process for the issuance of other Federal authorizations for the construction and initial operation of a facility, but would not predetermine whether the certificate or other authorizations should be issued.

9. NONJURISDICTIONAL FACILITIES

Add a new section 10014 amending NGA sections 1(b) and 1(c) to clarify that the FERC shall not infer any responsibility or control over nonjurisdictional activities for purposes of carrying out its responsibilities under the NGA or other Federal laws. The amendment is intended to address the FERC's practice as part of the NEPA process of reviewing nonjurisdictional facilities that are constructed with, or related to, a jurisdictional project.●

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

CHAFEE AMENDMENT NO. 20

Mr. CHAFEE proposed an amendment to the resolution (S. Res. 62) supra, as follows:

At the appropriate place, add the following:

SEC. . No expenses authorized by this resolution for any committee shall be paid from the contingent fund of the Senate for any staff members in excess of the number of staff members authorized by such committee during the calendar year 1990, unless a committee or combination of committees employing 100 or more staff members has reduced the total number of their staff members by a number equal to the new staff members authorized so that the total number of staff members authorized by the committees funded by this resolution remains constant.

Provided, That if any committee with fewer than 100 staff positions certifies in writing to the Committee on Rules and Administration its need for additional staff pursuant to this resolution, the Committee on Rules and Administration shall have the power to reduce accordingly the committees with more than 100 staff positions to accommodate that request.

MILITARY RESERVISTS SMALL BUSINESS RELIEF ACT

BUMPERS AMENDMENT NO. 21

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill S. 360, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes, as follows:

At the appropriate place in the bill (page 7, line 7) insert the following at the end of section 7(m)(1):

"*Provided*, That such qualified borrower demonstrates that the absence of the eligible reservist to active duty has had, or is likely to have, an adverse economic impact on the qualified borrower.".

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1991 AND 1992

SIMPSON (AND OTHERS) AMENDMENT NO. 22

Mr. SIMPSON (for himself, Mr. DOLE, Mr. THURMOND, Mr. COCHRAN, Mr. HELMS, Mr. BROWN, Mr. SMITH, Mr. DURENBERGER, Mr. BURNS, Mrs. KASSEBAUM, Mr. GRASSLEY, Mr. COATS, Mr. LOTT, Mr. WALLOP, Mr. SPECTER, Mr. SYMMS, and Mr. MCCAIN) proposed an amendment to the resolution (S. Res. 62) supra, as follows:

At the appropriate place add the following:

None of the expenses of any committee or subcommittee shall be paid from the contingent fund of the Senate for any hearing

which has not been certified prior to such hearing by the Chairman, after consultation with the ranking minority member of such committee or subcommittee, that such hearing is in compliance with rule XXVI.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 28, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, title XI concerning provisions pertaining to corporate average fuel economy [CAFE].

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, February 28, 1991, to hold hearings on mercenaries and drug cartels.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. FORD. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the nomination of Charles Cragin to be the Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, on Thursday, February 28, 1991, in the reception room just off the Senate floor, after the first rollcall vote occurring that day.

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

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Thursday, February 28, 1991, at 2 p.m. to receive testimony on the fiscal year 1991 supplemental request for Operation Desert Storm.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on February 28, 1991, at 2 p.m. on S. 173, modified final judgment.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, at 2 p.m. to hold a hearing on the promotion and protection of human rights.

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

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Consumer and Regulatory Affairs of the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate, Thursday, February 28, 1991, at 10 a.m. to conduct a hearing on the impact of the secondary market and private mortgage insurers on community reinvestment lending and on mortgage discrimination.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 28, 1991, at 1:30 p.m. on the nomination of J.J. Simmons of Oklahoma to be a member of the Interstate Commerce Commission [ICC].

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, at 10 a.m. to hold a hearing on Soviet disunion: The American response.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 28, 1991, at 9:30 a.m. on the nomination of Stanford E. Parris of Virginia to be administrator of the St. Lawrence Seaway Development Corporation.

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

ADDITIONAL STATEMENTS

NATIONAL HOSPICE MONTH

• Mr. PACKWOOD. Mr. President, it gives me great pleasure to be an original cosponsor, in conjunction with Senator BENTSEN and Senator HEINZ, of a joint resolution designating November 1991 and 1992 as "National Hospice Month." I have offered similar resolutions since 1984, and each has received enthusiastic bipartisan support.

Since the concept of hospices was first introduced 17 years ago, hospice programs have continued to expand throughout our country. Today there are thousands of hospice programs nationally, ranging in type from those based in hospitals or home-care programs to those based in community-wide programs.

No matter where hospice services are provided, they all share a basic philosophy for providing care to terminally ill patients—one that emphasizes love and compassionate support over medical solutions so that individuals may live as fully and comfortably as possible through their final illness.

Hospice care has changed the way we handle terminally ill patients in four basic ways. First, hospice promotes providing a broad array of services to the individual at home. These services address the emotional, psychological, and spiritual needs of patients as well as their health care needs. Second, a multidisciplinary team approach is used to plan and provide the care needed to help individual patients. Third, personal dignity and comfort guide the use of medical care to manage pain and control the symptoms of disease. Fourth, the family is recognized as a key participant in an individual's illness.

Many thousands of individuals and their families have been gently guided through a critical period by hospice workers and volunteers. I think hospice has helped to add back the "human" element in medical care. And the family is more actively involved in decision making, recognizing their role as support givers during a loved one's illness.

Last December, I visited Hospice House in Portland. I was very moved by the plight of a woman I met who had been given only 5 or 6 days to live. I was also quite impressed by the magnificent staff, who tenderly cared for her and helped me to share a little time with this woman.

Hospice programs in Oregon are firmly established as one part of the health care delivery system. The Oregon Hospice Association has been coordinating programs throughout the State since 1985. They have done an excellent job. They are also poised to grow into the next decades. OHA and other hospice advocates, are currently looking to provide services to new populations who do not know of hospice programs, such as Hispanics and people in rural areas.

I hope that this resolution will spark renewed interest and awareness of hospice programs throughout the country. I encourage all of my colleagues to support this resolution.•

TRANSPORTATION/AASHTO RESOLUTIONS

• Mr. SYMMS. Mr. President, I direct my colleagues' attention to two policy resolutions recently adopted by the

policy committee of the American Association of State Highway and Transportation Officials [AASHTO]. AASHTO is the national organization representing highway departments and transportation officials in the 50 States, the District of Columbia, and Puerto Rico.

The first of these resolutions requests Congress to pass a Surface Transportation Reauthorization Act that will extend for a 4-year period. The States realize the importance of good highways to their economic health and desire an increase in Federal funding to each State and at least an 85-percent Federal share payable for highway projects eligible for Federal aid.

The second resolution asks Congress to commit all highway tax revenues to the highway trust fund. In its closing session last fall, the 101st Congress increased motor fuel taxes by 5 cents per gallon as a means to reduce the deficit. Since 1956, motor fuel tax has been used to build and maintain this Nation's transportation system only. Last year, however, this keystone of our highways program was shattered when Congress gave one-half of the tax increase to the general fund instead of the highway trust fund. This action created a dangerous precedent for future highway funding and should be reversed. I congratulate the members of AASHTO and its policy committee for adopting these important resolutions and sending them to Members of Congress. I hope Congress will heed this plea for wise and timely policy decisions affecting the Nation's surface transportation programs.

I ask that the text of the resolutions be printed in the RECORD following by remarks.

The resolutions follow:

POLICY RESOLUTION PR-9-9

SURFACE TRANSPORTATION REAUTHORIZATION LEGISLATION

Whereas, the Surface Transportation and Uniform Relocation Assistance Act of 1987 will expire on September 30, 1991, and Federal support for highway and public transportation programs vital to the economic future and overall goals of the United States and its people will terminate unless appropriate action is taken by the 102nd Congress and the Administration; and

Whereas, the 101st Congress in its closing session took an important, highly commendable step toward providing more adequate support for America's highways when it increased the highway obligation ceiling to $14.5 billion for fiscal year 1991, resulting in an overall Federal-aid highway program funding level of $16.2 billion; and

Whereas, in sense of Congress resolution accompanying the 1990 budget reconciliation Act the members of the 101st Congress commendably stated that all highway user taxes should be dedicated to meeting the Federal share of our country's vital transportation needs, and that "adequate funding of transportation is a key component of a national strategy for economic growth;" and

Whereas, the Secretary of Transportation has taken the leadership to prepare a draft measure, and is working with the Administration to produce Surface Transportation Legislation for submittal to the 102nd Congress.

Now, therefore, the Board of Directors/Policy Committee of the American Association of State Highway and Transportation Officials, meeting in Pheonix, Arizona on December 9, 1990, does hereby:

1. Call upon the leadership of the 102nd Congress that will convene in January, 1991 to make passage of a Surface Transportation Reauthorization Act of at least four years duration a topmost priority during its first session, as an Act vitally necessary to help meet the nation's transportation needs and as a "key component of a national strategy for economic growth."

2. Advise the Congress and the Administration that two primary concerns of States in surface transportation legislation are increasing Federal funding to each State and providing for not less than an 85 percent Federal share payable for highway projects eligible for Federal aid.

3. Request that the 102nd Congress and the Administration take into consideration the recommendations of the AASHTO Report "New Transportation Concepts for New Century" as they develop and enact a Surface Transportation Reauthorization Act in 1991, and in particular that the Act be at least four years in duration, and reach the level of federal funding for highways and public transportation identified and fully supported in the "New Transportation Concepts" report, those levels being as follows:

[In billions of dollars]

	Federal highway funding	Federal transit capital funding[1]
Fiscal year:		
1992	17.6	3.5
1993	19.6	4.0
1994	22.7	4.5
1995	25.9	5.0

[1] It is noted that necessary operating assistance funds of approximately $0.8 billion per year are not included in this table.

These levels should be funded by fully utilizing the resources in the Highway Trust Fund and the Transit Capital Funding from the General Fund, including utilizing those provisions spelled out in Resolve 5. With these provisions fully utilized no new taxes would be required to achieve these levels. Funding for transit will require continuation of at least the present level of funding from the General Fund.

4. Request the Administration to complete and transmit to the 102nd Congress, in conjunction with the President's fiscal year 1992 budget, its proposed Surface Transportation Reauthorization legislation.

5. Request that the 102nd Congress act to fund the program set forth in Resolve 3 by fully utilizing the resources in the Highway Trust Fund for America's surface transportation system, and that it implement the four provisions of the sense of Congress resolution included in the 1990 budget reconciliation Act by:

Enacting legislation providing that any increase in motor fuel excise taxes that are deposited in the Highway Trust Fund shall be available for surface transportation purposes;

Enacting budget authority and outlays attributable to the increase in deposits into the Highway Trust Fund as a result of any increases in motor fuels taxes through implementation of the 1990 budget reconciliation Act;

Enacting legislation reaffirming the principle that highway motor fuel taxes should be deposited in the Highway Trust Fund, and placing revenue from the 2.5 cent highway motor fuel tax now going to the General Fund into the Highway Trust Fund; and

Enacting legislation providing that to the extent the highway motor fuel taxes are used for deficit reduction during the 5-year period beginning with fiscal year 1991, the Congress should return to the dedicated user fee principle as soon as possible but no later than the end of fiscal year 1995; be it further

Resolved, That the Association's Executive Director be requested to provide copies of this policy resolution to the members of Congress and the Administration, on behalf of the departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico that comprise AASHTO.

POLICY RESOLUTION PR-10-90

TITLE: RESTORATION OF TRANSPORTATION USER FEES FOR TRANSPORTATION NEEDS

Whereas, the 101st Congress in its closing session enacted the 1990 budget reconciliation Act that increased motor fuel taxes by five cents per gallon, a source of revenue drawn from America's motorists and trucks that use our highways and which since 1956 has been dedicated solely to improving transportation in the nation; and

Whereas, in taking this action the 101st Congress violated the long established concept of using highway user taxes only for transportation, when it placed one-half of the revenue to be generated by the five cent tax increase into the general fund to directly reduce the deficit, leaving only the other half to be deposited into the Highway Trust Fund; and

Whereas, while the some $2.5 billion additional revenue per year that will flow to the Highway Trust Fund because of this deposit of one-half of the five cent tax increase is badly needed to improve the safety and sufficiency of the nation's transportation system, the 1990 budget reconciliation Act enacted by the 101st Congress did not make any of this new revenue available for fiscal year 1992 through 1995 and instead is therefore indirectly also using it for deficit reduction purposes; and

Whereas, the current level of federal support for the nation's highway and public transportation systems are inadequate to meet rehabilitation needs to ensure the safety of the traveling public, to begin solving congestion and rural access problems, to conduct adequate transportation research programs, and to keep America competitive in a world economy that is demanding more, not less, mobility for people and freight; and

Whereas, in a sense of Congress resolution accompanying the 1990 budget reconciliation Act the members of the 101st Congress commendably recognized that all highway user taxes should be dedicated to meeting the federal share of our country's vital transportation needs, and that "adequate funding of transportation is a key component of a national strategy for economic growth;" and

Whereas, the 101st Congress in the 1990 budget reconciliation Act also raised the taxes which support the Airport and Airway Trust fund by 25 percent, but diverted the tax revenue from this Trust Fund to the general fund through fiscal year 1993 to directly reduce the deficit; and

Whereas, AASHTO agrees with the majority of Americans that the federal deficit problem is an emergency situation that requires emergency action, we also believe

that Congress should not try to solve the deficit emergency by creating another emergency in transportation.

Now, therefore, the Board of Directors/Policy Committee of the American Association of State Highway and Transportation Officials, meeting in Phoenix, Arizona on December 9, 1990, does hereby request that the 102nd Congress:

1. Act to restore public trust in the federal highway and aviation trust funds, by ending all diversion of transportation tax revenue into the general fund and restoring such revenue to the respective transportation trust funds.

2. Enact transportation funding legislation that will draw down the balances in the transportation trust funds in an orderly manner, and end the indirect usage of such balances for deficit reduction purposes.

3. Enact legislation to remove the Highway Trust Fund and the Airport and Airway Trust Fund from the general fund budget and establish the Trust Funds permanently, to make the federal government a reliable and predictable partner with state and local governments in assuring a sound, properly financed American transportation system that will support "a national strategy for economic growth" through the 1990s and beyond; be it further

Resolved, That the Association's Executive Director be requested to provide copies of this policy resolution to the members of Congress and the Administration, on behalf of the departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico that comprise AASHTO.•

TRIBUTE TO NATIONAL JEWISH CENTER FOR IMMUNOLOGY AND RESPIRATORY MEDICINE

• Mr. WIRTH. Mr. President, I rise today to pay tribute to the National Jewish Center for Immunology and Respiratory Medicine. National Jewish was founded in 1899 by a group of Denver philanthropists to care for tuberculosis patients. Today, it is arguably the world's leading institution for the research and treatment of lung disease and immune system disorders.

Best known for its work in the area of asthma, interstitial lung disease and emphysema, National Jewish has received an international reputation. Approximately 1,200 people spend an average of 22 days in the center's 100 bed hospital a year. In addition, 20,000 outpatients a year receive care at National Jewish. These are truly remarkable figures. Also impressive is National Jewish's research program. More than $25 million of the center's $65 million budget is spent on research. Almost all of the 100 physicians at the center are involved in some type of research.

National Jewish has demonstrated a great deal of interest in the role that environmental pollutants play on individuals that suffer from lung disease. The president of National Jewish, Michael Schonbrun, chaired the Metropolitan Air Quality Council of Denver from 1985 to 1989. The council received nationwide attention for substantially reducing Denver's "brown cloud" and carbon monoxide levels. Currently, National Jewish is involved in establishing the National Research Center for Environmental Lung Disease; I support and commend their efforts in this endeavor.

In closing, Mr. President, I would like to take this opportunity to recognize National Jewish Center for Immunology and Respiratory Medicine for their immense contribution to the treatment and research of lung disease and immune system disorders; and, I extend my best wishes for future success.•

GOODWILL AMBASSADOR FOR U.S. AGRICULTURE

• Mr. PRYOR. Mr. President, recently the Department of Agriculture published its 1990 Yearbook of Agriculture.

This publication, a very popular one in my State, chose to cite the accomplishments of a number of Americans who have contributed to the diversity of this important sector of our economy.

Carmen and Wayne Jorgensen of Dover, AR, were among those highlighted. I would like to share with my colleagues the excerpts from the 1990 yearbook that deal with the contributions that this dedicated couple have made to the American pork industry.

The excerpts follow:

CARMEN JORGENSEN: GOODWILL AMBASSADOR FOR U.S. AGRICULTURE

(By Denice A.G. Gray, Communications Specialist, University of Arkansas Cooperative Extension Service, Little Rock, AR)

She is not a hog farmer, but she is no stranger to hogs.

She has farrowed sows alongside her husband. She has paid her dues to farming with calluses and sleepless nights worrying over finances.

Her contribution to agriculture today is that of bookkeeper and market forecaster, but promoting agriculture is what puts a sparkle in her eye.

Carmen Jorgensen of Dover, AR, is unique.

Attractive, articulate, and savvy, Carmen knows the ropes. Her blue eyes are direct and her voice is a well-modulated marriage of Southern and Midwestern dialects.

Carmen is as much at home in an airplane going to Hong Kong as on the farm. She has represented U.S. agriculture and women in agriculture in both Europe and the Far East.

It does not seem likely that the portals of world travel lie in a small Ozark foothills community, yet that is where Carmen started her career as a professional woman of the land.

ESTABLISHING A NAME

Reared on a farm in Iowa, Carmen met Wayne Jorgensen just as she started a teaching career. Seven months later they married. The Jorgensens have been perfecting a partnership of complements for 33 years.

The foundation of their current success was built 20 years ago when Carmen, Wayne, and their two children, Sonja and Wade, then 12 and 10, respectively, moved to Dover. By then Carmen had retired from teaching.

And she had begun trading commodities futures on the Chicago Mercantile Exchange.

After establishing themselves on a swine farm with related business enterprises, the Jorgensens became active in the Arkansas pork industry. A former army cook, Wayne won the 1978 national pork cookoff contest in Seattle, WA. (To this day, the Jorgensens served barbecued pork to attendees of Ozark Memory Days, a local celebration.) For a while Wayne was the Arkansas director for the National Pork Producers Council and Carmen was the president of the National Pork Council for Women.

The 1980's were a time of change and Carmen was in the forefront. The name Porkettes was no longer acceptable. Carmen was instrumental in getting it changed to the National Pork Council for Women.

If Carmen was heavily involved, so was her family—because family unity is important to her. Sonja was crowned Pork Industry Queen in 1976. Both Sonja and Wade were national 4-H winners in the swine project area.

Active in 4-H activities, Carmen also edited Arkansas Pork Producer magazine, which included selling advertisements as well as writing, addressing, wrapping, sorting, and mailing each issue.

Throughout the family's involvement, Carmen learned the art of networking.

"I take advantage of the opportunities given me," she says. "I get to know people. At any meeting I don't just say hello and goodbye; I want to know who I'm sitting by. Acquaintances are valuable.

ACQUAINTANCES PAY OFF

Carmen has served on the National Advisory Committee on Meat and Poultry Inspection. Her time spent on State and other national boards has led her into conversations with Members of Congress, lobbyists, and USDA employees.

She was one of the few ambassadors of good will named by the Secretary of Agriculture. As such she traveled to Europe in 1984 and to Japan, Korea, China, and Hong Kong the following year.

Carmen revealed some of her philosophy in an address in Verona, Italy, in 1986, when she represented the farm women of North America at a conference organized by the International Federation of Business and Professional Women. Carmen pointed out the professionalism inherent in a farm woman's work:

Farm women, she says, have organized to draw greater attention to their own roles, to educate consumers about agriculture, and to lobby on behalf of their family farms. The farm woman has a career focus—the farm and its development. There is an opportunity to expand her role on the farm to whatever she wants it to be. Professionalism, then, is inherent to the position of farm woman.

If "professional" is a key word in Carmen's life, then her home office exemplifies it, fax machine and all. She spends many hours in that office. Her foreign travels are over, at least for now. She will tell you that one of her main regrets is that there are not enough hours in the day to accomplish all she wants to do.

Not only is there the swine operation that encompasses some 400 acres and sells 10,000 to 12,000 head a year. There is also the gift shop the Jorgensens purchased, appropriately named the Copper Pig. Carmen and daughter Sonja have parlayed their flair for interior design—along with Carmen's network of foreign and domestic acquaintances—into a successful operation. Recently they opened another store.

Timing has been everything in Carmen's life. She knows the ropes, and she knows how to make the system work for her.•

NEED FOR THE MEMORANDUM OF UNDERSTANDING REMAINS

• Mr. SYMMS. Mr. President, in 1986, the Memorandum of Understanding [MOU] was signed by the United States and Canada. It was signed due to dumping of subsidized Canadian timber into United States markets. These imports enabled Canadian producers to drive hundreds of United States mills out of business and to eliminate thousands of jobs in the domestic timber industry.

Domestic producers successfully filed a countervailing duty case and instead of collecting the fee when Canadian timber crossed the border into the United States, the industry settled for an MOU which permitted Canadian timber exporters to avoid the 15-percent duty and allowed the Canadian Government to collect the proceeds itself.

There have been recent efforts by the Canadians to renegotiate the 15-percent surtax on lumber exports to the United States. We cannot stand by and allow subsidized timber back into the United States.

Without the MOU, domestic producers are at a severe disadvantage. In the United States, producers must bid competitively for nearly all government and privately owned timber. This is in sharp contrast to the Canadian system where over 90 percent of Canadian timber is owned by national and provincial governments.

Mr. President, how can the producers in my State compete with the producers of British Columbia where approximately 85 percent of the province's timber is managed by the Provincial Ministry of Forests, whose mission is "to provide maximum economic and social benefits to all British Columbians"?

In 1986, when the MOU was under discussion in the Finance Committee, I was the determining vote on whether or not to pursue this agreement. Former President Reagan gave me his personal word that the MOU would not be included in any Free Trade Agreement negotiations so that timber interests would be protected.

The MOU has leveled the playing field by offsetting the value of Canadian subsidies. It has benefited U.S. timber interests and increased the market share.

The agreement does not require Canadian producers to put into place a market system, although a competitive bidding system would be most beneficial. Canadian firms can still retain access to government timber at below-market rates. The MOU only asks the Canadian Government to collect the fee themselves in good faith.

What I find upsetting about the Canadians trying to withdraw from the agreement is that they have previously tried to circumvent their obligations under the MOU in several ways.

Certain firms have failed to pay the full export tax or have misclassified lumber exports as other wood products. The interesting note about misclassification is that in 1986, after the agreement was signed, there was a significant increase in remanufactured wood product exports into the United States. These products are not subject to the 15-percent surtax.

Mr. President, free and fair trade which is based on competitive pricing would be ideal for the timber industry. I am confident the producers in my State can compete effectively with Canadian producers, or with anyone else for that matter, provided it is a level playing field. As long as provincial government intervention continues, however, the MOU is absolutely necessary.

The Memorandum of Understanding has served its purpose of bringing competition back to the timber industry. As we enter negotiations for a North America Free Trade Zone, it is imperative that we do not begin by giving up on agreements such as the MOU which have benefited U.S. industries that need and deserve a level playing field.•

RULES OF THE COMMITTEE ON THE BUDGET

• Mr. SASSER. Mr. President, pursuant to rule XXVI(2) of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on the Budget for the 102d Congress as adopted by the committee today.

The rules of the committee follow:

RULES OF THE COMMITTEE ON THE BUDGET, ONE HUNDRED SECOND CONGRESS

I. MEETINGS

(1) The Committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) Will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) Will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) Will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) Will disclose the indentity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) Will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) An act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) The information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

II. QUORUMS

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: *Provided*, That proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: *Provided*, That proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chairman and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of his proposed testimony at least 1 day prior to his appearance, unless the requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.•

RULES OF THE COMMITTEE ON APPROPRIATIONS

• Mr. BYRD. Mr. President, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit the Rules of the Committee on Appropriations.

The rules follow:

COMMITTEE ON APPROPRIATIONS RULES

(Adopted pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate)

I. Meetings—

The Committee will meet at the call of the Chairman.

II. Quorums—

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.•

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

• Mr. PELL. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the rules of the Committee on Foreign Relations for the 102d Congress adopted by the committee on February 28, 1991.

The committee rules follow:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 28, 1991)

RULE 1—JURISDICTION

(a) Substantive.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Acquisition of land and buildings for embassies and legislations in foreign countries.

(2) Boundaries of the United States.

(3) Diplomatic service.

(4) Foreign economic, military, technical, and humanitarian assistance.

(5) Foreign loans.

(6) International activities of the American National Red Cross and the International Committee of the Red Cross.

(7) International aspects of nuclear energy, including nuclear transfer policy.

(8) International conference and congresses.

(9) International law as it relates to foreign policy.

(10) International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

(11) Intervention abroad and declarations of war.

(12) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

(13) National security and international aspects of trusteeships of the United States.

(14) Ocean and international environmental and scientific affairs as they relate to foreign policy.

(15) Protection of United States citizens abroad and expatriation.

(16) Relations of the United States with foreign nations generally.

(17) Treaties and executive agreements, except reciprocal trade agreements.

(18) United Nations and its affiliated organizations.

(19) World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee."

(c) "Advice and Consent" Clauses.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration at the discretion of the Chairman or by vote of majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than three subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of

the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Minority Request.—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee's staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) Testimony.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting or quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) Business.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) REPORTING.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

RULE 6—WITNESSES

(a) GENERAL.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) PRESENTATION.—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) FILING OF STATEMENTS.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposal testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is a good cause for failure to file such a statement.

(d) EXPENSES.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) REQUESTS.—Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) AUTHORIZATION.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) Return.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving two hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) Depositions.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) Filing.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) Supplemental, Minority and Additional Views.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a meas-

ure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) Rollcall Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential statement and financial disclosure report with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose.

(b) Domestic Travel.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) Personal Staff.—As a general rule, one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed two weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C., unless adequate assurance for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts:

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction of dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification.—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee; and

(ii) the Chairman, Ranking Minority Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the office designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff shall undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) Responsibilities—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overrid'ng responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(ii) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(iii) Staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) Amendment.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, rules of the Committee which are based upon Senate rules may not be superseded by Committee vote alone.●

RULES OF THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, Senator RUDMAN joins me to ask that, in accordance with rule XXVI of the Standing Rules of the Senate, the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and amended on December 21, 1989, be printed in the CONGRESSIONAL RECORD for the 102d Congress, 1st session.

The material follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

Subpart A—S. Res. 338 as amended

S. Res. 338, 88th Cong., 2d Sess. (1964)[1]

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the standing rules for the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Con-

Footnotes at end of article

duct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the Minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.[2]

[3]"(d)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 11 of rule XXXVII of the Standing Rules of the Senate.

"(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

"(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualifies himself under paragraph (2) from participating in an initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself."

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal)[5] to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred.

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to ensure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

"(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

"(2) For purposes of this section, 'sworn complaint' means a statement of facts within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

"(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

"(4) For the purposes of this section, 'investigation' is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

"(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee, voting.

"(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged together with an explanation of the basis of such determination.

"(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical or otherwise of a de minimus nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

"(4) If as a result of an initial review under paragraph (1), the Select committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimus nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

"(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial creditable evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

"(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor select Committee.

"(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.[6]

[7](i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff

director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners,[8] and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermitent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.[9]

[10](b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

"(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

[11](c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

"(d) Subpoenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpoena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.[12]

[13]"(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

"(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

"(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(4) The Select Committee may in its discretion render an advisory opinion in writing within a resonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

"(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

"(8) A brief description of a waiver granted under paragraph 2(c) of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term "office or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

Subpart B—Public Law 93-191—Franked Mail, provisions relating to the Select Committee

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisons under this subsection providing for equitable procedures and the protection of individual, public, and government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

Subpart C—Standing orders of the Senate regarding unauthorized disclosure of intelligence information, S. Res. 400, 94th Congress, provisions relating to the Select Committee

Sec. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be closed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct, determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

Subpart D—Public Law 95-105, section 515, relating to receipt and disposition of foreign gifts and decorations received by Members, officers and employees of the Senate or their spouses or dependents, provisions relating to the Select Committee on Ethics

SEC. 515. (a)(1) Section 7342 of title 5, United States Code, is amended to read as follows:

§7342. Receipt and disposition of foreign gifts and decorations.

"(a) For the purpose of this section—

"(6) 'employing agency' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e), and (g)(2)(B) shall be carried out by the Clerk of the House;

"(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate;

"(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

"(D) the department, agency office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

"(b) An employee may not—

"(1) request or otherwise encourage the tender of a gift or decoration; or

"(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

"(c)(1) The Congress consents to—

"(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

"(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

"(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

"(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

"(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

"(A) deposit the gift for disposal with his or her employing agency or;

"(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e).

"(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

"(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use or forwarding to the Administrator of General Services for disposal in accordance with subsection (e).

"(e) Gifts and decorations that have been deposited with an employing agency for disposal shall be (1) returned to the donor, or (2) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

"(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

"(2) Such listings shall include for each tangible gift reported—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance;

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

"(D) the date of acceptance of the gift;

"(E) the estimated value in the United States of the gift at the time of acceptance; and

"(F) disposition or current location of the gift.

"(3) Such listing shall include for each gift of travel or travel expenses—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance; and

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

"(4) In transmitting such listing for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

"(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

"(2) Each employing agency shall—

"(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

"(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

"(C) take any other action necessary to carry out the purpose of this section.

"(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

"(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

"(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies."

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

PART II: SUPPLEMENTARY PROCEDURAL RULES

135 Cong. Rec. S2933 (daily ed. Mar. 17, 1989), amended Dec. 21, 1989

Rule 1. General Procedures

(a) OFFICERS: The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee, constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision, a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions of recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 11 of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in graph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority

vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(5).

(5) Whenever a member of the Committee ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At this direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the isuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immedidate resolution.

(o) COMMITTEE USE OF SERVICE OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

Rule 2: Procedures for Sworn Complaints

(a) SWORN COMPLAINTS: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) FORM AND CONTENT OF COMPLAINTS: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) PROCESSING OF SWORN COMPLAINTS:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint, was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

Rule 3: Procedures on Receipt of Allegations Other Than a Sworn Complaint, Preliminary Inquiry

(a) UNSWORN ALLEGATIONS OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCES OF UNSWORN ALLEGATIONS OR INFORMATION: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) PRELIMINARY INQUIRY:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions:

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial

review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Chairman and Vice Chairman deem appropriate to obtain information upon which to make any determination provided for by this Rule.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations of information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) DETERMINATION WHETHER TO CONDUCT AN INITIAL REVIEW: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless, this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information of allegations before the Committee and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

Rule 4: Procedures for Conducting an Initial Review

(a) BASIS FOR INITIAL REVIEW: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) SCOPE OF INITIAL REVIEW:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) An initial review may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Committee deems appropriate to obtain information upon which to make any determination provided for by this Rule.

(c) OPPORTUNITY FOR RESPONSE: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) FINAL REPORT: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) COMMITTEE ACTION: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

Rule 5: Procedures for Conducting an Investigation

(a) DEFINITION OF INVESTIGATION: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) SCOPE OF INVESTIGATION: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction

has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) REPORT OF INVESTIGATION:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly, after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

Rule 6: Procedures for Hearings

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with a paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) of the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a

witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

Rule 7: Subpoenas and Depositions

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time before a preliminary inquiry, for the purpose of obtaining information to evalute unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by majority vote, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any Member of the Committee, designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any Member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any Member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no Member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chaiman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness' testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness' request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

Rule 8: Violations of Law; Perjury; Legislative Recommendations; and Applicable Rules and Standards of Conduct

(a) VIOLATIONS OF LAW: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules,

regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

Rule 9: Procedures for Handling Committee Sensitive and Classified Materials

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committe on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Commitee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by is successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Senstive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

Rule 10: Broadcasting and News Coverage of Committee Proceedings

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occuring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

Rule 11: Procedures for Advisory Opinions

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or

proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

Rule 12: Procedures for Interpretative Rulings

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining and rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

Rule 13: Procedures for Complaints Involving Improper Use of the Mailing Frank

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings, involving franking questions shall be processed in accordance with Rules 11 and 12.

Rule 14: Procedures for Waivers

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 11 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

Rule 15: Definition of "Officer or Employee"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An Employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer,

employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

Rule 16: Committee Staff

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel if necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

Rule 17: Changes in Supplementary Procedural Rules

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, and stated in Rules 34 through 42 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommended additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93-191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence.

(f) Public Law 95-105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12).

Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), provides:

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee."

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 7 (b) to (d) of Rule XXVI of the Standing Rules of the Senate read as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specified Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 11 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

FOOTNOTES

[1] As amended by S. Res. 4, 95th Cong., 1st Sess. (1970), S. Res. 110, 95th Cong., 1st Sess. (1977), S. Res. 204, 95th Cong., 1st Sess. (1977), S. Res. 230, 95th Cong., 1st Sess. (1977), S. Res. 312, 95th Cong., 1st Sess. (1977), S. Res. 78, 97th Cong., 1st Sess. (1981).

[2] Changed by S. Res. 78 (February 24, 1981).

[3] Added by S. Res. 110 (April 2, 1977).

[4] Added by Section 201 of S. Res. 110 (April 2, 1977).

[5] Added by Section 205 of S. Res. 110 (April 2, 1977).

[6] Added by Section 202 of S. Res. 110 (April 2, 1977).

[7] Changed by Section 202 of S. Res. 110 (April 2, 1977).

[8] Added by Section 204 of S. Res. 110 (April 2, 1977).

[9] Added by S. Res. 230 (July 25, 1977).

[10] Added by Section 204 of S. Res. 110 (April 2, 1977).

[11] Changed by Section 204 of S. Res. 110 (April 2, 1977).

[12] Section added by of S. Res. 312 (Nov. 1, 1977).

[13] Section added by Section 206 of S. Res. 110 (April 2, 1977).

RULES OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

• Mr. RIEGLE. Mr. President, I am herewith transmitting the Rules of Procedure for the Committee on Banking, Housing, and Urban Affairs, adopted in executive session, January 25, 1989.

The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 25, 1989)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate or the full Committee has specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceeding of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the ranking minority member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the ranking minority member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or, (2) with respect to multiple first degree amendments, each of which would strike a single Section of the measure under consideration, fifty copies of a single written notice listing such specific Sections have been delivered to the Committee at least 2 business days prior to the meeting. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting. This subsection shall apply only when at least 3 business days written notice of a session to mark up a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever, a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommiittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the ranking minority member of the Subcommittee or by a majority vote of the Committee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the ranking minority member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the ranking minority member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the office of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular [addition,] or special meeting of the Subcommittee, the ranking member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure

or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or another to the Committee no record vote shall be taken unless a majority of the Subcommittee are actually present. Any absent member of a Subcommittee may affirmatively request that his vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or Subcommittee with the agreement of the ranking minority member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and ranking minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his questioning in this period, he may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him during such public or executive hearing on the dais. If a member desires a second staff person to accompany him on the dais he must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affect financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least five days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

RULES OF THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. GLENN. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask to have printed in the CONGRESSIONAL RECORD the

rules of the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs for the 102d Congress adopted by the committee on February 28, 1991.

The rules follow:

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS AS ADOPTED, FEBRUARY 28, 1991

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the ranking minority Member or the approval of a majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The ranking minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee majority staff upon the approval of the Chairman and notice of such approval to the ranking minority Member or the minority counsel. Preliminary inquiries may be undertaken by the minority staff upon the approval of the ranking minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the ranking minority Member with notice of such approval to all members.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approves of such public hearing.

Senate Rule 25(5)(b) will govern all closed sessions convened by the Subcommittee.

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him, with notice to the ranking minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and ranking minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him, immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and ranking minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and ranking minority Member that, in his opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its dates and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

Five Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights, Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or assocciation, or by counsel representing other witnesses, creates a conflict of interest, and that the witness shall be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witneses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the ranking minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him. If the Chairman or designated Member overrules the objection, he may refer the matter to the Subcommittee or he may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the ranking minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Mem-

bers of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the ranking minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

18. The ranking minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the minority and such other professional staff members and clerical assistants as he deems advisable. The total compensation allocated to such minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The minority staff members shall work under the direction and supervision of the ranking minority Member. The Chief Counsel for the minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and ranking minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and ranking minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.●

BLACK HISTORY MONTH

● Mr. RIEGLE. Mr. President, over the past month in my State of Michigan, and across the country, Americans have reexamined the rich and dramatic history of black Americans.

We Americans have set high ideals for ourselves. No other nation has ever attempted to build a democratic society out of such a diverse group of people. It's both right and important that we acknowledge the vital contributions of black Americans to our history.

My State of Michigan has a long and renowned history of achievement by black Americans who have overcome barriers of injustice to lead our Nation forward.

Black Michiganians have been in the forefront of the fight for a more just America. Sojourner Truth—who lived much of her life in Battle Creek—was born into slavery but would become a powerful force against slavery, and be a pioneer in the women's rights movement. Today, Detroit is home to Rosa Parks, the courageous woman who stood firm in the face of intimidation to spark the Montgomery bus boycott and the civil rights movement by refusing to give up her seat on a segregated bus. Just today, a bust of Mrs. Parks was unveiled at the National Portrait Gallery to honor her work.

Black Michiganians have helped to advance knowledge and build a more prosperous America: The inventor Elijah McCoy developed key breakthroughs in the design of industrial machinery and railroads, and Dr. Austin W. Curtis assisted George Washington Carver as a chemist.

Black Americans have always served our Nation in times of need. Many members of the famous Tuskegee Airmen, the group of pilots who fought heroically in World War II, live in Michigan. Men like Alexander Jefferson, Washington Ross, Wardell Polk, and Walter Downs all served above and beyond the call of duty. Today, black Americans are again serving in the Persian Gulf war zone with great distinction. We are all deeply grateful to them and hope that they will all return home safely and quickly.

As we begin to contemplate the difficult questions that will arise in trying to establish a lasting peace, we can look to the example of the diplomat—and Detroit native—Ralph Bunche, who won the Nobel Peace Prize for his work in mediating peace in the Middle East in 1949.

Many other black Michiganians have served as models of excellence. Michigan was home to the great heavyweight champion Joe Louis, a powerful source of pride for black Americans during the 1930's and 1940's. Today, people like Mrs. Oliver Beasley, a civil rights activist who helped to draft the legislation that created the Michigan Fair Employment Practice Commission, is a role model for all of our young people.

I have mentioned just a few of the great black men and women from Michigan who have enriched our history. There are countless more.

Black History Month allows us to reflect on the work of these great Americans and gain a deeper understanding of the black experience and tremendous black achievement, often in the face of extraordinary obstacles. As we do this, we are inspired to move ahead with the unfinished work that lies ahead of us: to build a society in which all citizens will have full and equal opportunity to succeed, and make America all that it can be.●

SUPPORT OF DEPARTMENT OF ENVIRONMENT ACT

● Mr. LIEBERMAN. Mr. President, I am honored to cosponsor the Department of the Environment Act of 1991. I commend my colleague, Senator GLENN for his leadership on this bill, which elevates the Environmental Protection Agency to the Cabinet of the United States.

EPA is charged with one of the most complex and challenging missions in our Government. As the only Member of the Senate who sits on both the Government Affairs Committee and the Environment and Public Works Committee, I have something of a unique perspective on this legislation. This bill reflects the growth of our knowledge of the environment and environmental management in the 20 years since EPA was created. While it is not a glamorous bill, it provides the essential institutional framework we need.

The United States is increasingly involved in environmental matters around the globe. In the last several years, we have come to recognize that Environmental Protection Agency's mission, in reality, extends to the very preservation of life on this planet. The quality of our environment in this country is directly related to the policies of countries across the globe. Whether the issue is stratospheric ozone depletion, global warming, acid rain or the proliferation of toxic materials and hazardous waste, the United States must take an active leadership role in world environmental affairs. We will not fully realize that role until our environmental agency is a full-fledged member of the President's Cabinet.

If this is true in global environmental policy, it is even more true in domestic environmental policy. EPA is charged with protecting our health and preserving the quality of our natural environment.

From my own experience on the Environment Committee, I know that EPA is constantly in battles with other parts of the administration about what level of protection is appropriate. Others in the adminstration concentrate

on the economic consequences of environmental policies but EPA is the advocate for our health and the protection of our lakes and streams.

Many of the solutions to our environmental problems lie beyond the traditional scope of EPA programs. The quality of our air is directly related to energy and transportation policy. The quality of our drinking water is directly related to land use decisions. It may be that we, the Federal Government, are the largest generator of hazardous waste in the Nation. Our environmental future is bound up in the programs and policies of the agencies represented at the Cabinet table. It is time for a Secretary of Environment to be a full partner at that table. This legislation will ensure that every significant environmental decision made by the executive branch will be debated among equals.

As EPA's mission has evolved, the Agency itself has matured. While I don't always agree with EPA's actions, there is no question that the Agency has proven its ability to contribute at the highest levels of Government.

The creation of a Bureau of Environmental Statistics to compile data and evaluate the effect of pollutants is essential. In spending our country's economic resources, we must know which pollutants pose the greatest risk to human health and the environment. This knowledge will tell us which environmental problems to address first.

This legislation demonstrates our commitment to strong environmental programs in the future. The creation of a Department of Environment sends an equivocal message to all Americans and to the world that the United States places environmental protection among its most important concerns.●

PERSIAN GULF WAR

● Mr. DURENBERGER. Mr. President, this is a great moment for all Americans. We built the victory in the Persian Gulf and the liberation of Kuwait out of the historic building blocks of our Nation: principle, ingenuity, leadership, and courage. This moment belongs to all of us.

Minnesota paid a very high price in lives for this accomplishment and we mourn on this day for those families. The scriptures say that: Greater love has no man than this, that he lays down his life for his friends. Steve Bentzlin. Scott Rush. Glen Jones. Eric Hedeen. Michael Anderson. Lawrence Welch. And Charlie Turner, who is missing in action. They, along with all those brave American men and women who gave their lives, did so for all of us. They honored this country with their sacrifice and forever they will be heroes to us all.

Foremost in our thanksgiving on this day should be a prayer for our President. This war didn't go one day longer than was necessary, or fall one step short of our objectives because of his leadership. Many doubted him along the way. No one doubts him today. Thank God we had a President like this when we and the world needed him most.

And we must honor our military leaders and the service men and women who implemented the military campaign. We have the finest armed forces in the world, and I am proud of each and every one of them. It was a brilliant war strategy, prosecuted with equal brilliance.

Each and every one of our forces is a true American hero. We congratulate them for a highly professionally conducted campaign. And we wish them a speedy and safe return home.●

THE 30TH ANNIVERSARY OF THE PEACE CORPS

● Mr. BIDEN. Mr. President, tomorrow, March 1, 1991, marks the 30th anniversary of the Peace Corps. In 1961, President John F. Kennedy issued the Executive order creating this uniquely American organization.

The first tenet of the Peace Corps has always been to build understanding across national boundaries. Over the past 30 years, it has worked to bridge the immense cultural and social chasms that separate the nations of the world from our own.

For the tens of thousands of peace emissaries who have traveled to distant lands under the tutelage of the Peace Corps, we owe a great debt of gratitude. For it is through their commitment and dedication that the image of America has been recrafted and enhanced in areas of the world unfamiliar with our customs and manners.

If the common world-image of America and Americans was one painted by the media or the cinema, then volunteers serving in these countries have added new colors to that image. They have provided a true picture of America, with all its qualities, that would never have been seen otherwise.

Conversely, volunteers have brought back to their towns and cities the experiences of living in lands quite different from their own. They have provided their countrymen with a unique view and understanding of the world's diversity. About the Peace Corps, we can say with a good deal of conviction: The world is more interconnected and has a better understanding of its divergent parts because of the efforts of this remarkable organization.

This exchange of cultures, the overlap of customs and values showcases the essence of what the Peace Corps is all about. We can take time today to reflect upon its 30 years of accomplishments, but more importantly we should make clear today that we wish to see this program continued—not for our country's good fortune alone, but for the world's. For if we remember one thing about the Peace Corps, we should remember this: It is a world organization because it works in and speaks to the world community. All Americans should take great pride in knowing that they created this selfless organization for the benefit of the whole world.●

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

● Mr. CRANSTON. Mr. President, pursuant to Senate rule XXVI.2, which requires that each committee publish its rules in the RECORD not later than March 1 of each year, I am hereby submitting for publication the rules of the Committee on Veterans' Affairs, as readopted by the committee at its February 7, 1991, meeting.

The rules of the committee follow:

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

(As amended June 28, 1990)

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee or a Subcommittee shall be open to the public.

(c) The Chairman of the Committee or of a Subcommittee, or the Vice Chairman in the absence of the Chairman, or the Ranking Majority Member present in the absence of the Vice Chairman, shall preside at all meetings.

(d) No meeting of the Committee or any Subcommittee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), six members of the Committee and four members of a Subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee or Subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee or Subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll-call vote is required.

IV. SUBCOMMITTEES

(a) No member of the Committee may serve on more than two Subcommittees. No member of the Committee shall receive assignment to a second Subcommittee until all members of the Committee, in order of seniority, have chosen assignments to one Subcommittee.

(b) The Committee Chairman and the Ranking Minority Member shall be ex officio nonvoting members of each Subcommittee of the Committee.

(c) Subcommittees shall be considered de novo whenever there is a change in Committee Chairmanship and, in such event, Subcommittee seniority shall not necessarily apply.

(d) Should a Subcommittee fail to report back to the Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such Subcommittee and so notify the Committee for its disposition.

V. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee or a Subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcement of the date, place, time, and subject matter of such hearing.

(c) The Committee or a Subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee no later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the Committee or Subcommittee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Witnesses at hearings will be required to give testimony under oath whenever the Chairman or Ranking Minority Member deems such to be advisable. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any member, any other witness shall be under oath.

VI. MEDIA COVERAGE

Any Committee or Subcommittee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VII. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee and its Subcommittees.

VIII. PRESIDENTIAL NOMINATIONS

Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which sha'l be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

IX. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

X. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.●

ALLENDALE'S GUARDSMEN: FIRSTEST WITH THE MOSTEST IN THE GULF

Mr. HOLLINGS. Mr. President, America's Armed Forces today celebrate their remarkable blitzkrieg victory in the Persian Gulf war. Over the last 6 weeks, we have witnessed, courtesy of CNN, the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since the Second World War. Today, Iraq's armies stand utterly defeated, and Kuwait is free. We have all been impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess 2 weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I can't tell you how proud they are of their National Guard and Reserve units now serving in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and of support for the mobilized units and their families.

An exceptional case in point is the town of Allendale in South Carolina's low country, whose Army National Guard units have played an important, if largely unsung, role in America's successful gulf campaign. Two units were called to active duty from Allendale: The 265th Quartermaster Detachment under the command of Sfc. Ronnie Jackson, and the 264th Engineer Detachment under Capt. James K. Smith.

Mr. President, I would note that the 265th, which specializes in water purification and is attached to the 24th Infantry in the war theater, was the first Guard unit mobilized from the State of South Carolina. What's more, Allendale is the only town in South Carolina to have two detachments called up from its Guard unit. The 265th was activated on August 15 and deployed in early September. From South Carolina, it was "firstest with the mostest" in Saudi Arabia.

The 264th Engineer Detachment was mobilized in mid-November as part of President Bush's doubling of troop strength in the Persian Gulf. Today, the men of the 264th are assigned to firefighting and crash-rescue duties in support of the Army's 11th Aviation Brigade, whose attack helicopters have been the scourge of Iraq's forces since the ground war began on Saturday.

Mr. President, one measure of the pride of the people of Allendale is the tremendous sendoff that was given to the 265th in August and to the 264th in November. In both instances, some 4,000 people—virtually the entire population of Allendale—turned out to line the streets, wave flags and yellow ribbons, and wish their soldiers Godspeed. Many people wept—as much from pride as from concern or worry. The people in Allendale say that the only thing bigger than that sendoff parade will be the victory parade when their guardsmen come home.

Mr. President, this expression of pride is very understandable. Bear in mind that the 265th and the 264th are made up of truly citizen soldiers—men from all walks of life who are serving at great sacrifice to their families and careers. They range in age from their early twenties to their midforties. Several left behind pregnant wives. The guardsmen called up from Allendale include schoolteachers, police officers, construction workers, technicians from the Savannah River site, you name it.

The entire community has rallied together to aid and embrace the families left behind. Two women in particular, Adele Harris and Virginia Priester, have played a leadership role in organizing family support groups and extending a helping hand to the families of soldiers in the gulf. My hat is off to all of the guardsmen's families in Allendale—for their sacrifices, for their generosity, and for their quiet courage on the homefront.

Mr. President, the men of Allendale's 265th Quartermasters and 264th Engineers are among our best and finest. They have done an exceptional job under the most exhausting and difficult of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

DR. OLIVER SACKS ON THE MENTALLY ILL HOMELESS

Mr. MOYNIHAN. Mr. President, well-deserved recognition has now been accorded to Dr. Oliver Sacks, the eminent neurologist late of the Bronx Psychiatric Center and the author of "Awakenings." The film of the same name is based upon Dr. Sack's innovative work using the drug L-Dopa on patients suffering from encephalitis lethargica, a disease that left many of its sufferers motionless, but frozen into poses eerily suggestive of motion. The drug worked and patients became fully functional. For a time. But, in the end, the drug was of only temporary efficacy and the patients returned to their former catatonic states. Surely human drama. Tragedy.

But a cinematic success is not Dr. Sacks' only reason for fame these days—so too is his widely publicized layoff from the Bronx Psychiatric Center, where he has worked for a quarter century. Dr. Sacks is one of some 1,200 employees in the State's mental health system who will become a casualty of Albany's efforts to close largely empty mental health hospitals in New York. Still, one must wonder how Dr. Sacks could have been among those to be let go.

Fortunately, Dr. Sacks is also using his notoriety to make some profoundly important points about the crisis, indeed the scandal, that is the condition of our mentally ill. He has written a powerful piece for the New York Times, titled "Forsaking the Mentally Ill", in which he movingly reminds us of how we have failed our mentally ill. The central thesis of his piece is that the deinstitutionalization of the 1960's, well intentioned to be sure, did not work. Indeed, Dr. Sacks reminds us that the problem we have come to think of as homelessness, is not really just so. For many, it is the failure of deinstitutionalization, particularly in our cities. We have shamefully abandoned, as Dr. Sacks tells us, "desperately ill and wretched people on our streets, not only homeless and endangered, and perhaps dangerous to others, but often in a nightmare of their own psychoses." A nightmare of their own psychoses. The answer is not to close the institutions that remain. Rather, Dr. Sacks tells us, we must "restore and adapt them into streamlined, economically efficient strongholds of care."

Indeed. Can we any longer tolerate the failure of deinstitutionalization? We ought not to. If we can provide adequate community care, we certainly should. But for far too many we have failed. As Dr. Sacks says, "Under ideal conditions, that is, in communities where there may be a very exceptional communal sense of responsibility, deinstitutionalization can work. But in a large, bustling, indifferent city, such as New York, it has no chance of success." No chance. Powerful words from a doctor who has given his career to treating the mentally ill.

There is a history here. Deinstitutionalization began in New York State. In 1953, Nathan S. Kline, working at Rockland State Hospital, set out to isolate the active ingredient in serpentwood, Rauwolfia serpentina, a root used from antiquity in Vedic medicine to calm people. When Dr. Kline was done, he had the chemical reserpine, one of the first tranquilizers. He published his findings in 1954.

That was the year W. Averell Harriman was elected Governor. It was a time when mental illness was seen as perhaps the most pressing problem New York State faced—bond issue followed bond issue to build institution after institution. On taking office, with much encouragement from his secretary, Jonathan B. Bingham, and Paul H. Hoch, Commissioner of Mental Hygiene, Harriman began to consider the implications of the discovery.

As Jonathan Bingham's assistant, I was present at the meeting in the Governor's office in the spring of 1955 when it was decided to provide the tranquilizer to all patients systemwide. It was a $1.5 million bet. Harriman would later explain that he was, after all, an investment banker.

Almost immediately, the population of State mental institutions began to decline. It peaked in Harriman's first year at 93,314. It is now 13,960. Nationwide the number was some 550,000 in the mid 1950's, today it is 130,000. The current number of patients in institutions would seem at odds with what Dr. Sacks tells us they ought to be. According to him, some 80,000 homeless people in New York are in need of institutional care.

A few weeks after the meeting in the Governor's office in Albany in 1955, a law was enacted in Washington setting up a joint commission on mental illness and health. Its report was finished in 1960, the year John F. Kennedy was elected President. The report proposed that tranquilizers be used nationwide and that new arrangements be made for patients who responded. In time, we had a name for this new institution, the Community Mental Health Center. President Kennedy set up a task force to propose a program. As an Assistant Secretary of Labor, with a New York

background, I was a working member of that task force and did much of the drafting of our report to the President, who thereupon proposed legislation.

This in turn became Public Law 88-164, the Mental Retardation Facilities and Community Health Centers Construction Act of 1963, which the President signed that October 31, one of the last bills he did sign.

The legislation provided that we would build one community mental health center for each 100,000 people. That would translate into some 2,500 today. But we have built only 768.

What if, on the occasion of the bill signing in 1963, someone had said to President Kennedy: "Wait. Before you sign the bill you should know that we are not going to build anything like the number of community centers we will need. One in five in New York City. The hospitals will empty out, but there will be no place for the patients to be cared for in their communities. A quarter-century hence the streets of New York will be filled with homeless, deranged people."

Would he not have put down his pen? Pens rather. He used half a dozen; one of which is on display in my New York office. I look at it on occasion and wonder what ever became of our capacity to govern ourselves.

Well, at least we must still try. Dr. Sacks reminds us of our responsibility. We do have a new idea. Modest to be sure. But at least something to try. Together with Senator DANFORTH, I introduced a bill on the first day of this Congress, S. 62, the Homeless Mentally Ill Outreach Act of 1991, to require States under Medicaid to identify, evaluate and develop plans for the care of the mentally ill population that is homeless. Mobile outreach units composed of mental health professionals and others would identify mentally ill homeless persons in metropolitan areas, and would transport them to assessment and referral centers. There, the mentally ill homeless would be provided with psychiatric evaluation and other medical care, and they would have to be given a real plan for treatment. Long term. Not for a week or two or three. Merely putting them back out on the street would not do. The bill also establishes a National Commission for the Homeless Mentally Ill to study the availability, accessibility and composition of mental health services for this population, and to make recommendations to Congress. This bill will not end our scandal, to be sure. But it is a first step. I urge my colleagues to support it, or, if they have a better solution, to propose it. But let us no longer as Dr. Sacks says, "forsake the mentally ill."

Mr. President, I ask unanimous consent that a copy of Dr. Oliver Sacks' op-ed in the New York Times, and an article about Dr. Sacks which appeared in the New York Times, be printed in the RECORD.

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

[From the New York Times, Feb. 13, 1991]

FORSAKING THE MENTALLY ILL

(By Oliver Sacks)

There will be substantial layoffs this month of physicians, nurses, therapists, treatment aides and others at state hospitals throughout New York State. Some 1,200 jobs, including my own, will be eliminated for budgetary reasons.

Apart from the hardship this will cause, I am deeply concerned, even fearful, for our patients. As a neurologist who has worked since 1966 at Bronx Psychiatric Center, I daily encounter the reality of how disabled many of these patients are and how little their needs could be met in any setting but a residential one.

When deinstitutionalization was first undertaken in the 1960's, it seemed a noble aim. Coupled with the use of such "wonder drugs" as Thorazine, it was perceived as a humane way of returning patients to their communities while cutting the costs of their treatment.

In practice, deinstitutionalization did not work. The vast majority of the patients discharged from state hospitals were not looked after by the community, were not adequately treated by outpatient facilities and rapidly drifted into homelessness, destitution, misery and sometimes death. Indeed, the late Seymour Kaplan, the psychiatrist who pioneered deinstitutionalization in New York State, often said later that it was the gravest error he had ever made.

Under ideal conditions, that is, in communities where there may be a very exceptional cummunal sense of responsibility, deinstitutionalization can work. But in a large, bustling, indifferent city, such as New York, it has no chance of success.

There is indeed a "hard core"—perhaps 25,000 in New York State alone—of very disabled patients who have to live in chronic hospitals. Most are deeply psychotic and lacking in social skills; many in addition have medical, physical and neurological problems: retardation, autism, epilepsy, AIDS, Alzheimer's.

In addition to these permanently ill people, there are others, another 25,000, who do very well outside, for years at a time, with adequate support and crisis facilities and medication—but then relapse, become deeply psychotic again and have to be readmitted, often forcibly, to the hospital. City and university hospitals have limited capacity and can admit psychiatric patients for only short periods. The relapsed schizophrenic, however, needs months to restabilize, and only state hospitals can provide such long-term care.

Nothing has been sadder than the steady deterioration of the state hospital system since the mid-1970's. The hospitals are not only underpopulated but dirty and dilapidated. They have come to labor more and more heavily under the costly burden of a huge administrative, nonmedical machinery. There has not been a medically qualified director of the Bronx Psychiatric Center, for example, for a decade; the present administration never visits the wards, has no experience, no idea, of the needs and realities of medical care.

And yet, precisely at this juncture, further cuts are being made. Massive lay-offs have been announced, not only in the huge, bureaucratic machinery, which is the real drain on state resources, but among the few physicians, therapists and treatment aides left. With this, the state hospitals will lose their last care-giving capacity and become little more than warehouses for the sick.

Outpatient clinics, the last resource for deinstitutionalized patients, are also being closed all over the country. For example, the huge crisis center at Mt. Zion Hospital in San Francisco, which looks after 10,000 patients a year, is scheduled to close next month. All psychiatric care in the U.S. is being dangerously cut back now.

There are 80,000 desperately ill and wretched people on our streets, not only homeless and endangered, and perhaps dangerous to others, but often in a nightmare of their own psychoses. These people need institutional care. We must not reduce the state hospitals to shadows of themselves, but restore and adapt them into streamlined, economically efficient strongholds of care. We need to restructure our state hospitals, not close them.

[From the New York Times, Feb. 16, 1991]

MOVIE'S TOP NEUROLOGIST LAID OFF BY BRONX HOSPITAL

(By Tim Golden)

In a span of several hours the other day, Dr. Oliver Sacks prepared for a European lecture tour, learned that his 18-year-old book had cracked the best-seller lists, mulled over his remarks for a medical conference, saw a half-dozen patients, and ran a modest gantlet of fans sputtering good wishes.

He also stopped to say goodbye to the Bronx Psychiatric Center, the vast state hospital that was about to make the British neurologist, after 24 years on its staff, one of 1,280 people to be eliminated from the state mental health payroll in budget cuts this year.

"You're in a rut," he says a supervisor told him. "It's time you got out of here."

Dr. Sacks declined the option of taking a job away from a younger doctor at another hospital. So, fresh from his fifth well-received book, a warm shower of professional acclaim and the success of the film "Awakenings," a Hollywood mythologizing of his efforts with patients left catatonic by encephalitis, Dr. Sacks is looking for work.

SOMETHING OF AN OUTCAST

He may not have trouble finding it. After years as something of a professional outcast, he is gathering increasing respect from the medical mainstream. He still has a part-time position at Beth Abraham Hospital in the Bronx, sees patients at three New York City homes for the aged and is a volunteer teacher at the Albert Einstein College of Medicine in the Bronx. If he chose, he could probably earn a good living as a writer.

Yet Dr. Sacks' dismissal from the hulking state hospital casts a strange light on the way in which a man who has been called one of the world's more creative medical thinkers has lived and worked in the Bronx for a quarter of a century, thriving, sort of, in an environment that has seemed to pay him little mind and understands him less.

"You remember Chekhov's 'Ward No. 6'?" he asked, maneuvering his six feet of brain, beard and girth through a foggy morning and down one of the Bronx Psychiatric Center's dingy halls. Anton Chekhov's long story tells how the eccentric director of a psychiatric hospital becomes lost in his thoughts, able to communicate only with one of his patients, and is eventually committed to the institution himself.

"I have my coat and my ID," Dr. Sacks said, clutching the ID and not quite smiling, "Otherwise I think I might be taken for a patient myself."

Actually, on this unceremonious day, there was not even a proper coat. The lone Sacks sports jacket had last been sighted the day before in a departing taxicab. Four white lab coats were known to be somewhere around his red-shingled house on City Island in the Bronx, just not anywhere in particular. After some foraging, decorum succumbed to need; Dr. Sacks made do with a big black parka with the "Awakenings" logo from the film stitched across the back. Advertising notwithstanding, Dr. Sacks rumbled into his old clinic scarcely raising an eyebrow. Nobody seemed to notice the long, blue shirttails hanging untucked, the giant sandals or the black tie still loosened to the chest and dangling far to one side. (Tied in memory of his father, who died last year at the age of 94), it was deemed too short but forgotten about in the untying.) As he passed, a secretary mumbled something that ended with, ". . . Dr. Sass."

There were no patients, no warm farewells. An administrator ordered a meeting, which ended with Dr. Sacks' having to come back a few days later to surrender keys and such. The mail brought two letters. A paycheck was crumpled into his wallet. The other envelope contained a letter from someone he had never met that concluded, "God bless you."

"The beginning of the end," its recipient muttered.

T.S. Eliot may have once worked in a bank and Franz Kafka as an insurance agent, but it is hardly less odd to think that Oliver Sacks could still be an inconspicuous state doctor.

Ignore the English stammer and the mind behind it that roams freely from Thucydides to Thomas Mann. Ignore the implacable gray tide of beard that recalls both the marble sages of Athenian sculpture and the guitarist Jerry Garcia of the Grateful Dead. Take what is sometimes referred to as Dr. Sacks' "physique."

In fact, the 57-year-old casing of issues is a testament to his foibles and passions. His feet are generally covered in black shoes, size 14, one size too large. Little more than a decade ago, his legs were still great trophies of his weightlifting on Muscle Beach while he was a medical resident at the University of California at Los Angeles; the left one hasn't been the same since its disastrous escape from a bull in a Norweigian mountain pasture. (The experience prompted "A Leg To Stand On," his 1984 meditation on the meta-physics of injury and the inhumanity of conventional medical treatment.)

PINEAPPLE AND COTTAGE CHEESE

Still, the legs support a lust for food as great as it can be single-minded. At a Bronx old-age home run by the Little Sisters of the Poor, the Dr. Sacks plate was piled a dozen half-sandwiches high, all ham and cheese on white. At the dentist's office in Riverdale, he was found to have a rare syndrome of enamel damage previously documented only among Hawaiians. (Dr. Sacks developed the condition after dieting on nothing but pineapple and cottage cheese; he had not expected any consequences worse than those of his previous, weeks-long compulsions like herring, lima beans, semiotics, Mozart Masses, and writings of Ludwig Wittgenstein, the Austrian philospher.)

By his own estimation, Dr. Sacks is most confortable in places where his physical contraption is least relevant. One is water, even the cold, murky stuff around City Island in which he swam each day until the pollution became excessive a couple of years ago. ("In the water, I cease to be a sort of obsessed intellect and a shaky body, and I just become a porpoise.") Another is the New York Botanical Garden, where he goes most mornings to walk and sit quietly among the plants.

The most familiar is the wards of chronic-care hospitals like Bronx State and Beth Abraham, where difficult patients are sent for weeks and months and sometimes forgotten.

Dr. Sacks' path to the wards was not entirely voluntary, either. On finishing his medical studies at Oxford, he fled to America. He hitchhiked across Canada and landed in San Francisco, where his love for motorcycles (he still shares a B.M.W.) left him tending to a local chapter of the Hell's Angels. Though an irregular medical resident, the young Dr. Sacks was impressive enough to win a fellowship with a team of eminent neuroscientists at Albert Einstein.

HAMBURGER IN THE CENTRIFUGE

Like Dr. Sayer, the derivative character played by Robin Williams in the film version of "Awakenings," Dr. Sacks went to work extracting myelin from earthworms. But to his colleagues' horror, he managed to lose a whole vial of it. Then came a matter of some broken slides, and the hamburger that fell into the centrifuge, and assorted other lab faux pas.

"He was an absolute disaster," recalled Dr. Robert D. Terry, now a professor of neurosciences at the University of California at San Diego School of Medicine, who supervised the young man then. "While we all liked Oliver and respected his intelligence, it was apparent that his future was not in laboratory work."

Relegated to seeing patients in 1966, Dr. Sacks came upon a strange community among the lost and seemingly lifeless souls consigned to the Beth Abraham Home for Incurables, the hospital he would rename "Mount Carmel." About 80 patients had been stricken during the 1917–1926 pandemic of encephalitis lethargica, or "sleeping sickness." About half were vaguely functional; the others, he wrote, remained frozen in silence, "as insubstantial as ghosts, and as passive as zombies."

Experimenting with a treatment that was just being tried on non-encephalitic Parkinson's victims, Dr. Sacks gave members of the group a drug called LevoDihydroxyphenylalanine, or L-Dopa. And quite suddenly, they began coming back to life.

Dr. Sacks all but moved in with his patients. He chronicled their reactions, made films of their progress and offered his findings to medical journals. To his distress, his news drew a fusillade of attacks; many physicians, including some who years later would see similar reactions in regular Parkinson's patients, simply did not believe him.

Of the many paradoxes in his career, perhaps none is more vivid than the continuing impact of "Awakenings." It was the silence of his colleagues that finally drove Dr. Sacks to write for a wide audience. After a stage play, a radio play and a film based on the book, * * * time consulting neurologist, was often absent because of other obligations, she said, adding that she didn't mean that he had failed to appear for work when scheduled.

"It was certainly not viewed as a hardship to the facility not to have Dr. Sacks on staff anymore," Ms. Lopez said. "Dr Sacks was not considered particularly unique here. I'm not sure he complied with state regulations."

Earlier, after he was laid off, Dr. Sacks had fired off a public protest at what he described as an uncaring administration and the devastating impact of the state cutbacks. But his own regrets had less to do with leaving the hospital than with the dearth of interesting patients he had been able to find there lately. He might have been more suited to California, but during his first years in the Bronx, especially in the extraordinary months when he seemed to be giving life to his patients, he hadn't much cared where he was, he said. As for the profession's regard, he had some thoughts, but they trailed off.

"I sort of want to be accepted by my colleagues and be seen as serious," he said. "At the same time, I can't spend my time trying to be like them. I may be mad and a maverick . . ."

TWO GUARD BRIGADES GET "RAVE REVIEWS"

Mr. FORD. Mr. President, the Nation is thankful that Kuwait City is in allied hands and that the gulf war is almost over. We are proud of our men and women serving in Operation Desert Storm, and anticipate their quick return home.

With the cessation of hostilities will come details of just how well individual units have performed. Two of these are Army National Guard combat brigades, the 142d Field Artillery Brigade from Arkansas and Oklahoma, and the 196th Field Artillery Brigade from Tennessee, West Virginia, and the Commonwealth of Kentucky. It is my understanding that in the last few days they pushed deep into Iraq along side their active Army counterparts. I look forward to hearing of their performance, which I know has been superb. Apparently, the two artillery brigades had already received rave reviews from the active forces.

I would like to share with my colleagues a preliminary report on the brigades and ask unanimous consent that an article from the March 4 Army Times be reprinted in the RECORD.

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

[From the Army Times, Mar. 4, 1991]

TWO GUARD BRIGADES GET "RAVE REVIEWS"

(By Sean D. Naylor)

WASHINGTON.—Out of the glare of the spotlight, two Army National Guard combat brigades have deployed to Saudi Arabia, where by all accounts they are performing well.

While much attention has been focused on the difficulties of the three National Guard roundout brigades called up for possible deployments to Saudi Arabia, two National Guard field artillery brigades deployed as part of Operation Desert Storm "are getting rave reviews from the active [forces]," said Martin Binkin, a military manpower analyst for The Brookings Institution.

The two brigades are the 142d Field Artillery Brigade, from the Arkansas and Oklahoma National Guard units, and the 196th

Field Artillery Brigade, drawn from the Tennessee, Kentucky and West Virginia Guard units.

Army Chief of Staff Gen. Carl Vuono and Secretary of the Army Michael Stone praised the brigades before the House Armed Services Committee Feb. 20.

"The [National Guard] brigades in Saudi Arabia are performing well, making a substantial contribution to the Army's firepower in the desert," Vuono said.

The 142d Field Artillery Brigade was called up in late November 1990 and deployed in late January, Vuono said. Before deploying, it spent two months training at the brigade's mobilization station at Fort Sill, Okla.

The brigade consists of the 1st Battalion, 142d Field Artillery Regiment, Harrison, Ark, and the 2d Battalion, 142d Field Artillery Regiment, Fort Smith, Ark, and a headquarters battery.

In addition, the 1st Battalion, 158th Field Artillery Regiment, of Lawton, Okla, was attached to the brigade for Operation Desert Storm. The 1/158th usually is attached to the 45th Field Artillery Brigade, Oklahoma National Guard, said Oklahoma National Guard spokesman Maj. Pat Scully.

The 196th Field Artillery Brigade was called up in early December 1990 and deployed in early February, Vuono said.

The brigade is composed of the 1st Battalion, 623d Field Artillery Regiment, Glasgow, Ky.; the 1st Battalion, 201st Field Artillery Regiment, Fairmont, W. VA.; and the 1st Battalion, 181st Field Artillery Regiment, Chattanooga and Dayton, Tenn.; as well as a headquarters battery in Chattanooga.

The 1/623d is armed with M110s, said Kentucky National Guard spokesman Capt. Kelly Byrd. The 1/201 is equipped with M109 1555mm self-propelled howitzers, and the 1/181st has eight M110s officials said.

After being called, the 196th spent two months at Fort Campbell, Ky., said 1st Lt. Ron Garton, a West Virginia National Guard spokesman.

JASON C. YUAN TO BE DIRECTOR, NORTH AMERICAN AFFAIRS, REPUBLIC OF CHINA-TAIWAN

Mr. PELL. Mr. President, I have been informed that my friend, Jason C. Yuan of the Coordination Council of North American Affairs [Republic of China-Taiwan] has been promoted to be his country's director of North American affairs in the Foreign Ministry. As such, he will be returning to Taipei. I am sure that this promotion means a great deal to Jason and his family as it is a fitting tribute for his fine work and accomplishments in his current capacity as director of CCNAA's congressional liaison division.

Jason joined the Coordination Council as a senior staff member in March 1980. He was promoted to deputy director in January 1981 and to director of the congressional liaison division in May 1986. For the past 11 years, Jason has been responsible for Taipei's relations with the U.S. Congress. During this time, he has carried out his duties in exemplary fashion.

I am sure, Mr. President, that in his new position, Jason will bring continuity and continued strength to Republic of China-United States relations. Meanwhile, I am happy to learn that Jason's position will be assumed by a very well liked and capable successor: Larry Yu-Yuan Wang, who has been posted to Washington since 1984.

Mr. President, if the essence of diplomacy is overcoming adverse circumstance to build bonds of friendship between nations, then Jason has indeed earned the title of master diplomat. Once again, my hearty congratulations to Jason Yuan and his charming wife, Maggie, on this well deserved promotion.

JASON C. YUAN

Mr. LUGAR. Mr. President, I rise to say a word about Mr. Jason Yuan, who has served as head of Taiwan's congressional liaison division in Washington for many years. Jason has been named director of North American affairs in the Republic of China's Ministry of Foreign Affairs. My staff and I have had many occasions to work with Jason during his tenure in Washington. He has served his country with diligence, professionalism, and—of no less importance—a fine sense of with and good humor.

I am confident that Jason will display these same qualities as he takes up his new responsibilities in Taipei. As head of North American affairs for the Ministery of Foreign Affairs, Jason will be responsible for coordinating Taiwan's policies toward the United States. I am pleased that the United States will have a good friend in that position. I am certain that my colleagues will join me in wishing Jason all the best in the coming years.

TRIBUTE TO DOROTHY SHULA

Mr. GRAHAM. Mr. President, Dorothy Shula's life enriched all she touched. Her family, church, community, friends, and the many more who never knew Dorothy, but were inspired by her dedication and courage, grieve today at her passing. Our family, who knew and loved Dorothy for over 20 years was blessed by her friendship.

We celebrate her contributions and we mourn her loss. Her long battle with cancer ended February 25, 1991. The Nation's football fans know Dorothy's husband of 33 years, Don Shula, head coach of the Miami Dolphins. No less known in our community was Dorothy Shula, who epitomized civic involvment and pride.

Our community is a better place because of Dorothy Shula. She gave to her church as a social services worker. She gave to young people by fighting drug abuse. She gave to other women by promoting scholarships for female athletes. She gave to the sick by raising money for medical research. She gave to children as a teacher and as a volunteer. Most importantly, she gave by being herself.

Perhaps Dorothy's most enduring quality was her boundless love and her dedication to family. She personified the love that Paul wrote of his letter to the Corinthians, "Love bears all things, believes all things, hopes all things. Love never fails." We will miss her. Our prayers are with the Shula family. Together, we will honor our friend Dorothy Shula by working to meet the high standards she set for caring, compassion, dignity, and most of all, love.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,175th day that Terry Anderson has been held captive in Lebanon.

REPEALING U.N. RESOLUTION 3379

Mr. MOYNIHAN. Mr. President, I rise to report a significant development in the continuing efforts to repeal Resolution 3379 the obscene 1975 U.N. General Assembly resolution which found Zionism to be a form of racism and racial discrimination.

For almost a year we have heard repeated hints of a Soviet willingness to join us in seeking to rescind this vicious canard which they once initiated and worked so hard to adopt. For almost a year Soviet representatives have signaled this important change of policy in meetings behind closed doors. Now, apparently for the first time, they have chosen to do so in public.

The February 15 issue of the "Long Island Jewish World" reports that Soviet Ambassador to the United Nations Yuliy Vorontsov declared at a recent press conference that "the idea of the Zionism resolution was false, it should be repealed." No whispers here; no hints of "reappraisal," but a forthright declaration in the presence of U.S. Ambassador Thomas Pickering at a major reception announcing the opening of the Moscow branch of the New York-based Touro College International School of Businesses and Management.

Let there be no mistake. Ambassador Vorontsov's declaration is a remarkable vindication of the position this country has championed since the initial Third Committee consideration of the Zionism resolution in the fall of 1975. On November 10 of that year I took the floor of the General Assembly, as the Permanent Representative of the United States, to state that "The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce to this infamous act."

And now, 15 years and 3 months later, the Soviet Ambassador to the United Nations seconds my words. We have gone a long way since the seeds of the Zionism resolution were first planted in a two-part article which appeared in

Pravda on February 18–19, 1971 titled "Anti-Sovietism—Profession of Zionists." The author was Viktorovich Bolshakov, Deputy Secretary of Pravda's editorial board in charge of the newspaper's international department. It was promptly published as a pamphlet in numerous languages and distributed around the world.

The article made the incredible argument that Zionists had collaborated with the Nazi invaders of the Soviet Union. Zionists as accomplices of the Nazis. What lie could be more obscene? Perhaps only the lie embodied in Resolution 3379, namely that the State of Israel—a vigorous democracy with a range of civil liberties unprecedented for the Middle East—was founded on a racist philosophy.

On September 13 of last year I asked the Senate:

> What role can the Soviet Union play in promoting peace in the Middle East so long as it has not repudiated this infamous lie, a lie which was its own creation?

I continued my remarks that day to report that:

> On March 30 of this year I held a hearing entitled "Revoking the U.N. Zionism Resolution." At that hearing the State Department revealed that "the Soviets have assured us that the resolution represents a concept that is no longer acceptable according to the new political thinking of the Soviet Union." Let them say so publicly. Let them endorse the revocation of the resolution.
>
> On August 10 of this year I received a letter from Judge Jerome Hornblass on behalf of the American Section of the International Association of Jewish Lawyers and Jurists. Judge Hornblass reports that Soviet acting Ambassador to the United Nations told a delegation from his organization that the Soviet Union is in favor of repudiating the statement that "Zionism equals racism" as it stands alone. Again, let them tell the world that they renounce this lie. That is what "new thinking" requires to be credible. What immoral regimes create, moral regimes instantly repudiate.
>
> That is what President Havel of Czechoslovakia did when he came to power. He went to Jerusalem and publicly announced that he was reversing his nation's position on this issue. Let the Soviet Union do the same. Then, and only then, will it have the credibility which is essential to play a positive role in the search for peace.

Mr. President, Ambassador Vorontsov's reported remarks go a long way toward meeting the challenge that I presented on September 13. Indeed, his statement presents a welcome opportunity for Secretary of State Baker to propose to the Soviet Foreign Minister that our nations take the lead this fall in cosponsoring in the General Assembly a resolution rescinding Resolution 3379.

At a recent hearing of the Committee on Foreign Relations I raised the issue of Resolution 3379 with Secretary Baker in the following terms:

> Senator MOYNIHAN. You mentioned confidence-building measures with respect to arms and their equivalent in diplomacy. We are thinking of the future after the Gulf conflict ebbs. * * * With respect to Israel, the abiding difficulty has been Resolution 3379, which declares Zionism to be a form of racism. While that is the stated position of the United Nations, why would a country want to have anything to do with the United Nations?
>
> Now, in December a year ago, the Vice President went up to Yeshiva University in New York and said we would lead a campaign to reverse that resolution. It is an obscene resolution. President Ford, as you remember, was outraged by it.
>
> Secretary BAKER. Yes.
>
> Senator MOYNIHAN. Could I ask if there is any progress there? If there were, that might indicate a role for the U.N. in the post-Gulf crisis period. Particularly, have we talked to the Soviets? That was a Soviet initiative. I was our Ambassador there at the time. They clearly have moved away from that view. It would not be dificult for them to dissociate themselves from it. It might be a test, a confidence-building test.
>
> Secretary BAKER. Senator Moynihan, it would indeed be a good confidence building measure if we could be successful in seeing a repeal of that. The Soviet Union, as you know, very recently has improved its relationship with Israel. * * * I don't disagree with you one bit, that that would be one good thing that could be looked at. Now, whether or not there would be any chance of success, I'm not prepared to say. It's too early to try to judge that.
>
> Senator MOYNIHAN. Perhaps you would explore the matter and privately let us know what you find.
>
> Secretary BAKER. On that [issue], of course, it's not just the Soviets [that matter] now that [Resolution 3379] is there.
>
> Senator MOYNIHAN. We might even get Kuwait to join us. Of course, I wouldn't ask for the impossible, Mr. Secretary.

When Resolution 3379 was being considered 15 years ago most Americans were not aware of the implications of this Soviet inspired assault on the legitimacy of the sole democracy in the Middle East. One American who was aware and cared deeply was a beloved Member of this body, former Vice President Hubert Humphrey. His body already badly weakened by the disease that would kill him, Senator Humphrey flew to New York on the night of the General Assembly vote and sat in the Assembly Chamber as I later described him, "unannounced, unabashed, outraged, bearing witness."

Few Americans cherished the idea of the United Nations as much as Hubert Humphrey did. Few Americans loved this body or this country—or served either with such distinction—as Hubert Humphrey did. It might be well for those who suspended efforts to repeal the "Zionism is racism" resolution during the Persian Gulf crisis ponder what Senator Humphrey later said about Resolution 3379: "The continued efforts to repeal this resolution will tell us a lot about the United Nations and even more about the United States."

Senator Humphrey did not live to hear the Soviet Ambassador repudiate his nation's handiwork, but the day is drawing nearer when all of us who remember that painful November evening will be able to savor a very different General Assembly vote. I plan to be there.

KINGSTREE'S BEST AND FINEST IN THE PERSIAN GULF

Mr. HOLLINGS. Mr. President, day 43 of Desert Storm is also day 1 of the cease-fire in a newly liberated Kuwait. In 6 brief weeks, we have witnessed the most massive and successful air campaign in the history of warfare, followed by the largest and most successful ground offensive since World War II. Today, Iraq's armies stand utterly defeated. We cannot help but be impressed by the courage of America's warriors. But beyond courage, what impresses me is the sheer competence and can-do professionalism of our men and women in the gulf.

Mr. President, during the Senate recess 2 weeks ago, I talked to hundreds of South Carolinians in 15 counties, and I can't tell you how proud they are of the National Guard and Reserve units from their communities which are serving in the Persian Gulf war. In community after community across my State, there has been a spontaneous outpouring of patriotism and of support for the mobilized units and their families.

A remarkable case in point is Kingstree and surrounding Williamsburg County, which is home base for the 1052d Army Guard Transportation Company, a standout unit which is working round the clock to ferry ammunition and war materiel to troops on the front lines. Some 162 men and women of the 1052d have been deployed in the war threater, nearly half of them from Kingstree, Hemingway, and Lake City.

One measure of the pride of Kingstree and nearby communities is the tremendous sendoff that was given to the 1052d on November 20, when it rolled down Main Street in a column bound for Fort Jackson and the war. Some 7,000 citizens lined the street, cheering, carrying American flags, and waving yellow ribbons. Many people wept—as much from pride as from worry. The people in Kingstree say that the only thing bigger than that sendoff parade will be the victory parade when the 1052d returns.

Mr. President, this expression of pride is very understandable. Bear in mind that the 1052d is made up truly of citizen soldiers—men and women from all walks of life who are serving at great sacrifice to their families and careers. They range in age from their early 20's to their mid-50's. Many left behind pregnant wives. The men and women of the 1052d include foremen, accountants, computer specialists, even the manager of the local Coca-Cola bottling plant.

In the center of Kingstree, city officials have erected three flag poles bear-

ing the American flag, the South Carolina flag, and the colors of the 1052d. Those flags will be illuminated 24 hours a day until the last soldier comes home, after which they will be kept in a place of honor in the National Guard Armory. Meanwhile, the entire community has come together to aid and embrace the families left behind. Cars proudly bear bumper stickers proclaiming "I support the 1052d." Local banks and finance companies are going out of their way to accommodate soldiers' families. At least one young, unemployed wife of a 1052d soldier has received a generous monetary gift from an anonymous Good Samaritan. And Mrs. Zane White and other leaders of the 1052d Support Group have worked tirelessly to reach out to spouses not just in Williamsburg and other nearby counties, but as far away as Columbia and Charleston. My hat is off to all of these people—for their sacrifices, for their generosity, and for their quiet courage on the home front.

Mr. President, the men and women of Kingstree's 1052d Transportation Company are among our best and finest. They are doing an extraordinary job under the most dangerous and difficult of circumstances. They are a credit to their Nation, and are doing South Carolina proud. I join all Americans in praying for their safe and speedy return. We will welcome them back as the heroes they are.

BEYOND THE END OF THE WAR

Mr. BYRD. Mr. President, every important phase of our military deployment and operations in the Persian Gulf from August of last year until today has been carried out superbly and nearly flawlessly. The deployment of over half a million men, and the sheer logistical challenges were met with amazing competence and creativity. The assessment and shaping of the battlefield, the selection of tactics and weapons, the use of massive air power over an extended period of time—which rendered the opponent blind to the extent that he had little or no knowledge as to how and where the allied forces were massing—and the sequencing of events were masterful.

The proof is the unusually light, low number of American casualties. Patience was exercised and rewarded. A common theme running throughout the operation was the usefulness and integration of high technology, which opened a new page in modern warfare, allowing planning for night engagements on a massive level. It is not just that we have invested in workable systems incorporating new computer, sensor, mobility, and weapons systems technologies, but that such technologies were integrated into the daily planning and operations to fully use them to effect. I hope that we will be able to enlist the Department of Defense in an exercise in lessons learned across the board, while everything is still fresh in our minds, so that we can effectively shape the fiscal year 1992 Defense bill.

And I want to pay great tribute to the Secretary of Defense, Mr. Cheney, who throughout this whole effort demonstrated an unflappable manner, which is characteristic of him. At no point did he appear to gloat. He exuded an air of confidence and competence, and I think that we are most fortunate in that we could have a Secretary of Defense like Mr. Cheney in these critical hours.

Mr. President, we came to the aid of our allies and friends in the Middle East at a time of brutal testing. Now I believe we should use our resources to disengage and to help formulate a postwar peace and security system that does not require the long-term presence of U.S. ground forces in the region. Our forces should be available, but, as before, in an over-the-horizon mode. I am opposed to any long-term U.S. ground force peacekeeping presence or security net. The United Nations authorized the action that the United States and the coalition took, and today the U.N. Security Council, properly, is debating the nature of its postwar action. The Secretary General today announced that he was prepared to send peacekeeping forces to the region. We should certainly strongly support that as a piece of the postwar solution. In addition, the Arab States Foreign Ministers have met over the last week to determine the nature of a postwar security system and, it is reported, have decided that the force should be ultimately composed of indigenous Arab forces. The details of the postwar ground force peacekeeping system are now being put together, and a clear consensus must be built with the Congress on the shape and direction of any postwar policy. We cannot afford to be the world's policeman, or the Middle East riot squad. I feel certain that the states of the Middle East do not wish a permanent American armed presence.

Mr. President, in these times of economic distress, we cannot afford to expend indefinitely precious American resources in the Middle East for a lengthy postwar security system. In fact, we could not financially afford the Desert Storm operation either, and that is why we have called upon our allies and friends to contribute the necessary financial resources to match our commitment in men, blood, credibility and energy. The United States has expended vast resources to defend freedom in the Middle East. We expect our allies to pull their weight. The Congress has established a system for allied contributions to be used to offset our expenditures. We should not and cannot be paid policemen, hired guns in the postwar setting. No commitment for such a role could prudently be made to any nation or group of nations without a debate and the development of a clear consensus in the United States. The American people, I believe, are justly proud of our forces, as am I, and I think they are correct to feel that our duty has been done and it is time to welcome our troops home.

And when our forces do return home, they will find an America which is deep in recession, an America in which the infrastructure is badly in need of repair and upgrading. Enormous sums will be needed to accomplish the tasks of building our infrastructure, our highways and bridges, our mass transit systems, our rivers and harbors and airports. The time to put our energies and treasures into our own backyard has arrived. There is no place like home, and home needs our undivided attention for some years to come. We can no longer easily fund extended foreign deployment and commitments. Our allies are flush with the fruits of decades of investment—a great deal of it investment by the American taxpayers—and their economies, the economies of our allies, are healthy. The age of domineering global superpowers is over. A truly new world order cannot just ape the old world order.

A more complicated international economic system is evolving, and America will play, as has been amply demonstrated, its rightful, proper and, if necessary, courageous role. But no long-term global role for the United States will be viable if we do not strengthen our home base, our industries, our productivity, our infrastructure, and our human resources. That is the task now, and let us turn to it. Let us hope that we have the courage and ability to prosecute these tasks as well as our young men and women have done their work in the gulf theater.

President Bush showed strong leadership, courage, and decisiveness in this crisis, and he is entitled to great credit. Our fighting men and women have demonstrated great bravery and make us all proud of the way they conducted themselves throughout the air, land, and sea campaign. I am also proud of the patriotism and support given to our troops by the American people from throughout the Nation.

I think we are witnessing a strong recrudescence of patriotism and the national spirit. And I hope that that recrudescence will continue to grow and will remain with this great country in all of the decades to come.

I thank God that our service men and women will soon be coming home to their families.

SILVIO O. CONTE

Mr. BYRD. Mr. President, on another matter, I have been wanting to say a few words about an old friend.

Whether at Naishápúr or Babylon,

Whether the Cup with sweet or bitter run,
The Wine of Life keeps oozing drop by drop,
The Leaves of Life keep falling one by one.

With all of our colleagues who knew him personally, and with the people of the First Congressional District of Massachusetts, I was sincerely saddened by the recent death of Representative Silvio O. Conte.

Over the years, and especially since my becoming chairman of the Senate Appropriations Committee, I enjoyed the opportunity to meet and talk with Congressman Conte many times. Congressman Conte was the ranking member of the House Appropriations Committee, and his duties and my duties often intersected.

At all times, I found Silvio Conte to be an open, cooperative, dedicated, congenial, lovable representative of his district; a well-informed, pragmatic, and determined member of the Republican Party; and, above all, a warm, committed, and agreeable American patriot.

Perhaps the best word, or at least an excellent word, in my judgment, to describe Silvio Conte, however, was the word "delightful." To meet Silvio Conte, to know Silvio Conte, or to work with Silvio Conte was to like him, to admire him, and to come to love him. Silvio Conte brought into every room that he entered, and into every friendship that he made, a special and particular light—a radiant gift of personality and humanity not often found in everyday life, not to mention in so effective and gifted a politician.

Congressman Conte was first elected to the House of Representatives in 1958—the year in which I was first elected to the U.S. Senate. Thus, I did not meet him until after I had left the House of Representatives. But through his gifted personality and personal charm, Silvio Conte's reputation extended from across the Capitol, into this Chamber. Among his close friends and collegial admirers were numerous Democrats as well as Republicans, here and in Massachusetts, too. That may explain Silvio Conte's continued reelections by majorities often running as much as 75 percent in one of the most partisanly Democratic States in the Union.

I know that I speak for many of our colleagues who called Silvio Conte our friend, and for all of our colleagues who were privileged to work with him in our mutual responsibilities and shared duties, in extending condolences to Congressman Conte's family, friends, and constituents.

I know that I speak for all the members of the Appropriations Committee—and there are three of them on the floor at this time—and I know that I speak for all Americans in expressing my gratitude to the people of the First Congressional District of Massachusetts for lending for a time to our country's leadership this native son of Massachusetts, this proud Yankee of Italian background, and this great American from Pittsfield.

Tennyson wrote a poem, which I feel typifies the courage and the spirit of Silvio Conte:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar,
When I put out to sea,
But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.
Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;
For though from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

Mr. LEAHY. Mr. President, I want to compliment the distinguished chairman of the Appropriations Committee not only for the statement he made in behalf of Silvio Conte, a proud Yankee of Italian decent, he said, but also doing it so eloquently and heartfelt. I will make further statements about Congressman Conte at a later date.

MAKING MINORITY PARTY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. DOLE. Mr. President, I understand the resolution is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 68) to make minority party appointments to the Select Committee on Ethics for the 102d Congress.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, this resolution requests the appointment of my distinguished colleague from Washington, Senator SLADE GORTON, to the Senate Ethics Committee.

I want to take this moment to express my deepest thanks to my distinguished colleague, Senator JESSE HELMS of North Carolina, who will be stepping down from the Ethics Committee after more than 12 years of service.

Membership on the Ethics Committee is not one of the plum assignments in the Senate, so I am especially appreciative of Senator HELMS for his able work over these past 12 years—work that was undertaken with a great sense of responsibility and without complaint.

As the newest member of the Ethics Committee, Senator SLADE GORTON will hit the ground running.

An outstanding lawyer and a former Washington State attorney general, Senator GORTON has the analytical skills, the temperament, and most importantly, the integrity to make an immediate contribution to the vital work of the committee.

So I want to commend my distinguished colleague—as I did—Senator HELMS, for his work over the past 12 years, and welcome the distinguished Senator from Washington [Mr. GORTON].

It is a very difficult task. It is one that none of us seek. In fact, I sought out Senator GORTON to see if he would be willing to serve on the Ethics Committee, and I appreciate his willingness to do that. I know he will do an outstanding job, working with his colleagues in a nonpartisan, bipartisan way, as the Ethics Committee must do.

I just add one footnote. Even though Senator HELMS is leaving the committee—I have discussed this with both the distinguished Senator from Alabama [Mr. HEFLIN] and the distinguished Senator from New Hampshire [Mr. RUDMAN]—in the event one of the pending cases should come to the floor where Senator HELMS has heard the evidence, he would be an ex-officio member for that purpose, and that purpose only.

The PRESIDING OFFICER (Mr. SIMON). The question is on agreeing to the resolution.

The resolution (S. Res. 68) was agreed to, as follows:

S. RES. 68

Resolved, That the membership on the Select Committee on Ethics for the minority party consist of Messrs. Rudman, Lott, and Gorton to serve until their successors are appointed.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Friday, March 1; that when the Senate convenes on Friday, March 1, it be for a pro forma session only; that at the close of the pro forma session, the Senate stand in recess until 2:30 p.m., Tuesday, March 5; that following the time reserved for the two leaders, there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Does the distinguished minority leader have anything else? Is there any other Senator who wishes to be heard at this moment?

If not, Mr. President, if there is no further business to come before the Senate today, I now ask unanimous

consent that the Senate stand in recess as under the previous order until 10 a.m. Friday, March 1, 1991.

There being no objection, the Senate, at 7:01 p.m., recessed until Friday, March 1, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 1991:

FEDERAL RESERVE SYSTEM

LAWRENCE B. LINDSEY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF 14 YEARS FROM FEBRUARY 1, 1986, VICE MANUEL H. JOHNSON, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate February 28, 1991:

DEPARTMENT OF VETERANS AFFAIRS

CHARLES L. CRAGIN, OF MAINE, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF 6 YEARS.