United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—*Thursday, February 28, 1991*

The House met at 11 a.m.

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

We are thankful, O gracious God, for this new day that brings with it the news of the suspension of battle and the further talks toward peace. With earnest hearts we are grateful for the possibility that the nations can move from confrontation to building a society that allows people to live without terror and to fashion their lives in peace.

We remember with appreciation those to whom great responsibility has been given and from whom such dedication has been received. We recall with respect the members of our armed services for their devotion to duty and their steadfastness in battle.

Our hearts and prayers are with the families who have lost those they love and we mourn with them in their loss. May Your blessing, O loving God, that eases the rough places and causes hope even in sadness and light to triumph over darkness, be with them and give them Your peace.

We pray, O God, that each one that heralds this new day, will live in harmony with You and their neighbor, that justice will roll down as waters and righteousness like an everflowing stream. Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from New Mexico [Mr. RICHARDSON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. RICHARDSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### A LESSON FROM THE WAR

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

Mr. MICHEL. Mr. Speaker, amidst all of the thanksgiving over the outcome of the gulf war, a point needs to be emphasized.

In his briefing yesterday, Gen. Norman Schwarzkopf was asked what he thought of the Iraqi Armed Forces.

He replied that one of the most important qualities an armed force can have is to believe in the cause it is fighting for.

The Iraqi Army clearly lacked that belief. But the general's point applies to our Army as well: Morale is all important.

It is, therefore, my hope that we will see an end to the ritualistic denigration of the American military that unfortunately has been prevalent in certain ideological quarters for the last 20 years.

Those who hold this view criticize every use of American force, condemn most force modernizations, and call immoral every American attempt to use American military strength.

Just what do these critics—in and out of Congress—believe that does to the morale of members of our Armed Forces?

Let us put an end to this domestic warfare against the American military.

Let us start remembering Americans in uniform are not aliens in a strange land, but our sons and daughters and loved ones, and let us remember it before combat starts, when they need us, not just afterward.

Let those who proudly boast of how many weapons systems they have voted against remember that if they had had their way, Saddam Hussein would be astride the Middle East like a conqueror today.

### DESERT STORM VICTORY BRINGS FEELINGS OF PRIDE, DEDICATION TO DUTY, AND PATRIOTISM

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

Mr. SKELTON. Mr. Speaker, the war is over. The American forces and their allies have won a stunning victory. This is undoubtedly the best planned and most professional military campaign in modern history.

The successful strategy is a tribute to our war colleges. The funding for readiness and weapons systems reflects well on the decisions made in recent years by this Congress. Extensive training and professionalism of our Americans in uniform have paid dividends far beyond our expectations. For each American fatality, the enemy lost 1,000.

Our pride in our young Americans will continue long past their victorious return. We will not only embrace them when they come home, we should honor them for their dedication to duty, their stoutheartedness in adversity, and patriotism toward their country. Because of these Americans, we are on the brink of establishing decades of the rule of law over the rule of tyranny on this Earth.

We owe them our gratitude, and the civilized world owes them its appreciation: Our soldiers, sailors, airmen, marines, and coast guardsmen have been true to our values, and they make America the bastion of freedom.

Our hearts go out to those families who suffered loss, and we look forward to the triumphal return of our young Americans.

### LET'S BUILD ON OUR VICTORY IN THE GULF

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

Mr. BROOMFIELD. Mr. Speaker, the Vietnam war is history; no more malaise. America is back.

America's fighting men and women—from the decisive Commander in Chief



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to the toughest grunt—showed what they could do when given a lot of support from Congress and the people back home.

Our generals have fought the most brilliant campaign in modern times. It was a stunning victory.

But the real victory was putting together this diverse coalition of allied nations. Most nations share a common interest in peace. This time they were willing to make some sacrifices for it.

Let's build on that community of interest. It's time to address the difficult issues that stand in the way of true and lasting peace in the Middle East. We should not let this great opportunity slip through our fingers.

## THE WINNERS AND LOSERS IN THE PERSIAN GULF

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

Mr. RICHARDSON. Mr. Speaker, now that the war is over, the time has come to put our own house in order and concentrate on domestic issues. We have several wars to fight here at home: The war to revitalize our economic strength and become energy self-sufficient, the war against drugs and crime, and the war against high health-care costs.

But clearly in the Persian Gulf there are winners and losers. The winners are: President Bush, the American troops and coalition forces, a united American public, a Congress that closed ranks behind the President after the constitutional debate on whether we should go to war, smart, efficient, technologically superior weapons like the Patriot, the United Nations, and the media, especially CNN.

□ 1110

Here are the losers: Saddam Hussein and any dictator who is thinking of committing acts of aggression; Yasser Arafat; the Soviet Union by tilting toward Iraq at the end; and Germany and Japan, for not helping the way they should have.

There will be a lot of scorekeeping in the days ahead. We have a brief but enormous opportunity to move boldly over several diplomatic fronts to create a more stable Middle East. Let us move as boldly in peace as we have in war.

## RESIGNATION AS CHAIRMAN AND APPOINTMENT AS CHAIRMAN OF SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

The Speaker laid before the House the following resignation as chairman of the Select Committee on Children, Youth, and Families:

HOUSE OF REPRESENTATIVES,
*Washington, DC, February 27, 1991.*

Hon. THOMAS S. FOLEY,
*Speaker of the House, House of Representatives, The Capitol.*

DEAR MR. SPEAKER: Over the past eight years, I have had the high honor and privilege of serving as the first chairman of the House Select Committee on Children, Youth, and Families. I am grateful to you, and your two predecessors as Speaker, for appointing me to this position which has been among my most gratifying responsibilities during my service in the Congress of the United States.

The goal of the Select Committee has been to identify the most critical issues confronting America's children and families, to examine the impact and potential of public policies, and to make recommendations to standing committees of the Congress for legislation to promote the healthy development of young Americans and their families.

Because of the dedicated work of the members of the House Select Committee over the years, the innumerable contributions of the outstanding staff, and the participation of experts, researchers and advocates from throughout the United States, we have fulfilled that important mission at a time when much of the government was abandoning or ignoring its reponsibilities to children. And the Congress has responded, by enacting important legislation on child care, child health, foster care, preventive services, mental health, education and nutrition—all developed in large part by the work of the House Select Committee on Children, Youth, and Families.

Despite these many achievements, a great deal still needs to be done for America's children. Far too many remain in poverty, at risk of birth defects, subject to horrendous living conditions and victimized by child abuse, enduring inadequate educational programs that leave them uneducated and unemployable, suffering malnutrition and preventable diseases. I also know how much time must be devoted to addressing these issues and to producing the highest quality work product which can serve as the basis for action by the Congress in addressing these remaining critical problems.

The action of the House of Representatives in conveying to me, as Vice Chairman of the Committee on Interior and Insular Affairs, the responsibilities of the chairman, places many new and pressing duties upon me. Urgent national issues including the Western drought and national energy policy demand my fullest attention and energies, as does the management of this Committee. I do not believe it would be fair either to the Committee on Interior and Insular Affairs or the Select Committee on Children, Youth, and Families to attempt to perform both responsibilities concurrently.

Accordingly, I must very regrettably submit my resignation to you as the chairman of the Select Committee on Children, Youth, and Families, to be effective upon your appointment of a new chairman. This is certainly the most difficult personal decision of my sixteen years in Congress, but it is the right decision for the Select Committee and its important constituency, our nation's children. I certainly intend to work closely with whomever you select as the new chair to facilitate a smooth transition and to assure that the crucial work of the Committee continues uninterrupted.

The Select Committee must continue to "hold up a mirror for America to see its children," as we originally promised, and to serve as the unique group within the Congress that can frame these complex issues, conduct the essential investigative and analytical work, and then convert our findings into sound public policy.

I look forward to continuing to provide that leadership as a member of the Select Committee under the new chairman in the years to come. I wish again to extend to you, and to Speakers Wright and O'Neill, my deep personal gratitude for having placed your confidence in me as chairman of the Select Committee on Children, Youth, and Families during these past eight years.

Sincerely,

GEORGE MILLER,
*Chairman, Select Committee on Children, Youth, and Families.*

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER. Pursuant to the provisions of section 203 of House Resolution 51, 102d Congress, the Chair designates the gentlewoman from Colorado [Mrs. SCHROEDER], as chairman of the Select Committee on Children, Youth and Families.

The gentleman from California [Mr. MILLER] remains a member of the select committee as the ranking majority member.

## HEROES ABOUND IN OPERATION DESERT STORM

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

Mr. MAZZOLI. Mr. Speaker, "This war is now behind us." These six words which President Bush spoke last night on television brought around the world and certainly around the United States a relaxing of the tensions and heightened hopes for, not just the return of our men and women from Desert Storm, but for a lasting peace in the Middle East.

Heroes abound in this remarkable drama: Secretary Cheney, General Powell, General Schwarzkopf, and all of the various members of our coalition forces. But, Mr. Speaker, two heroes, of course, stand out. One, our President, who was determined and resolute in the prosecution of this war, but last night I thought was appropriately magnanimous and charitable to the Iraqi people, who have suffered so much under the brutal and delusional leadership of Saddam Hussein.

The other heroes, plural, that come out of this, of course, are the men and women of Desert Storm, whose valor and courage will be noted in the history books for all the years this planet survives.

So when the men and women of Desert Storm return, and we hope it will be within days or weeks, the country will open its arms and welcome its husbands and wives, sons and daughters back as the true heroes they are.

## PROTECTING THE FREE PRESS

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

Mr. PURSELL. Mr. Speaker, the war is over. I congratulate President Bush, Colin Powell, Secretary Cheney, Secretary Baker, and those in Congress who stood with the administration. I also congratulate our military leadership in bringing our troops home after such a complete victory. I hope that peace has finally come to this troubled region.

Mr. Speaker, this morning I am reintroducing legislation calling for an end to newspaper joint operating agreements.

My bill will repeal the Newspaper Preservation Act of 1970, which permits the formation of JOA's with the approval of the Attorney General.

I am convinced that the JOA practice violates our first amendment guarantee of a free press. Intended to save failing newspapers, JOA applications are put in the compromising position of being dependent on the Federal Government for their financial survival.

Nothing, and I repeat, nothing could be further from the intent of the first amendment in establishing a free press—a free press which is to serve as the watchdog over the Government.

How can a newspaper, which submits its very existence to the review of the Justice Department, freely fulfill its watchdog role?

It's time we stop the Federal Government's practice of granting sweetheart monopolies to our Nation's newspapers. In 1945, the U.S. Supreme Court said:

> Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine to keep others from publishing is not.

Mr. Speaker, at a time when other nations are turning to democracy and the free market system, it only makes sense that we return to a free market system for the operation of one of our leading institutions—that of a free press.

## AMERICA MUST TURN EFFORTS TOWARD WINNING ECONOMIC WAR

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

Mr. TRAFICANT. Mr. Speaker, where Vietnam had divided, Desert Storm has united. Our troops were superb, General Powell was brilliant, Secretary Cheney outstanding, and, without question, "Stormin' Norman" Schwarzkopf is a consummate bulldog. I say here today that when Schwarzkopf was born, he must have been born weighing about 250 pounds, with an M-1 rifle under his shoulder, and I am recommending to the President that he appoint "Stormin' Norman" as Trade Representative, and help us straighten out this economy.

As a Democrat today I rise to take my hat off, and all Americans should, to one of the finer jobs ever done at the White House. President Bush did a fantastic job and, without question, he deserves that pat on the back.

Let me say two things today while we focus on America's problems: Let us not lose sight of the goals and the business at hand. Japan, Germany, and all these allies have contributions to make. Let us get that money.

Second of all, we had great success, but let us not let excessive military spending further erode America's greatest war, our economy. Let us get at that war now.

## NATIONAL WELCOME HOME DAY FOR AMERICAN TROOPS

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

Mrs. BENTLEY. Mr. Speaker, the Persian Gulf war is over. The coalition forces, led by American service men and women, were victorious in a manner beyond anyone's expectations. Saddam Hussein and his Iraqi Army have been soundly defeated and driven from Kuwait.

Our men and women in the armed services should feel proud of their achievements in routing Iraqi forces and restoring peace and freedom to the people of Kuwait. The American people share their sense of pride, as well as their sense of loss for those brave allied comrades-in-arms who have sacrificed their lives in liberating Kuwait.

Now that hostilities have ended, it is time for us to plan for our brave troops to return home.

Therefore, Mr. Speaker, I am submitting today a House resolution calling upon the President to proclaim a National Welcome Home Day for our brave troops.

In accordance with my resolution, National Welcome Home Day shall be marked by a celebration in all our States, towns and cities and by the organization of a National Welcome Home Parade to be held here in Washington, DC, where our President and leaders of this victorious effort, as well as the American public, may review contingents of American forces and acknowledge their return home to the United States of America.

I urge all of my colleagues to cosponsor my resolution.

May God bless our troops who participated in Operation Desert Storm, and may God bless America.

## LEGISLATION REQUIRING ALLIES TO PAY PLEDGES BY APRIL 15, 1991

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

Mr. DEFAZIO. Mr. Speaker, the United States delivered on its promises 100 percent. We stopped Iraq's aggression before it extended into Saudi Arabia and other nations in the gulf. We freed Kuwait. It is time to welcome home the troops, push for the release of our POW's, account for our MIA's, mourn those who died, and care for their families.

But there is one thing I do not want to present to the homecoming troops and their families, and that is a bill for the war that they just fought. We delivered 100 percent on our promises. Our allies are at 25 percent of their pledges. It is time they pay their bills.

Mr. Speaker, I am introducing legislation today to set April 15 as the deadline. On April 15 Americans pay their bills to Uncle Sam. It is time that the allies paid their pledges to Uncle Sam. If they do not, my legislation would require the President to levy a tariff of 2 percent on their imports until we collect the balance past due.

Mr. Speaker, I urge Members to support this legislation.

□ 1120

## PRESS COVERAGE OF OPERATION DESERT STORM

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

Mr. SCHULZE. Mr. Speaker, on Saturday, February 16, an amazing event occurred in the Washington Post. Writer Tom Shales critiqued press coverage of Operation Desert Storm. In fact, Shales called the early reporting of imminent peace, and I quote, "Naught but a Crock."

The electronic media criticism by Shales is to be commended. Two important features of this coverage are rapidly emerging. First, the success of our Armed Forces have been documented and cannot be disputed. Despite efforts by the press to uncover failure or report United States attacks on the Iraqi people, Americans could see the truth first hand.

Second, opinion polls now show wide support and respect for our Armed Forces and much lower ratings for the press.

Mr. Speaker, the American people have learned to question the accuracy of the media, and they have found a new respect for our Armed Forces.

## WE SHOULD EXAMINE FEDERAL SPENDING

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

Mr. RAY. Mr. Speaker, I rise today in support of a measure which focuses our attention on our fiscal responsibilities.

The gentleman from Ohio [Mr. KASICH] and the gentleman from Kansas [Mr. SLATTERY] have introduced H.R. 772, a bill to rescind the $500,000 which was appropriated to develop the birthplace of Lawrence Welk. No issue has so incensed the American public more than this flagrant disregard for fiscal responsibility.

Many American farmers are facing one of the worst droughts in their history. Yet the Appropriations Committee elected to spend $500,000 to refurbish the home of Lawrence Welk, while ignoring requests for disaster assistance. I would suggest, Mr. Speaker, that our limited funds should be spent on the truly needy. I would like to see this money go toward helping farmers who are destitute.

I appreciate the fine work Lawrence Welk has done in his years of broadcasting. But I also voted for a budget package which promises to reduce the deficit by $492 billion over the next 5 years. We passed that budget package, and in doing so we asked the American people to make some sacrifices.

We also asked the American people to trust us with their tax money, and I believe that indiscriminate and inappropriate spending violates the public trust.

As Member of the House of Representatives, we must maintain the highest degree of fiscal integrity. We can avoid making mistakes such as this by carefully reviewing every spending measure, and I am pleased that the House adopted budget process reforms which will move our Government toward a pay-as-you-go system.

I urge every member of this House to weigh the consequences of our current spending habits, and take this small but significant step in the direction of fiscal responsibility.

## WAR IN THE PERSIAN GULF

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

Mr. ROTH. Mr. Speaker, the President tells us the war may well be over. "Hurrah, hurrah. When Johnny comes marching home again, hurrah, hurrah."

Every American gives thanks to devine providence and we also thank our President, General Schwarzkopf, and our magnificent men and women under arms, and others for this marvelous victory. We have studied in history the 100 Years War, the 30 Years War, and now we have the 100 hours war thanks to the foresight of Ronald Reagan and George Bush and those Members in this House who had the courage and the stamina to vote for high-tech weaponry when it was unpopular to vote for high-tech weaponry. Because of our high-tech weaponry we have saved countless American lives and shortened an otherwise long and protracted war to a mere 100 hours.

Now comes the time for peacekeeping. The forces should be comprised of Arab countries and other U.N. countries. Let us hope that Saddam Hussein, for the sake of peace and for the Iraqi people, is replaced.

The American troops, the American soldiers, the American taxpayers have done their share. We have in force the 12 U.N. resolutions. It is now time to start bringing our troops home.

## APPRECIATION TO THE TROOPS

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

Mr. DOOLEY. Mr. Speaker, I rise today in recognition of the American military men and women who have so ably performed their duty all these months a long way from home in the Saudi desert.

Braving lonely separations from their families and untold risks, they displayed boundless courage and skill and have made all Americans proud. We owe them an incredible debt of appreciation for their sacrifices, and we marvel at their unmatched achievements on land, sea, and air.

Mr. Speaker, I also salute their families, who for months have stood tall at home, bravely and unselfishly facing the uncertainty of their loved ones' safety. They are deeply appreciated, and are as much a part of American accomplishment in Kuwait as the men and women on the front lines.

To be willing to lay down one's life in the noble defense of freedom and democracy is an act of supreme selflessness and in the finest tradition of America's history.

Today, as the shooting ceases in the Persian Gulf and the struggle for a lasting, just peace begins, all Americans should be grateful that among us exist men and women willing to make that ultimate sacrifice when called upon.

Let us pray that new generations of Americans aren't asked to test that willingness at war.

## PRAISE FOR PRESIDENT BUSH

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

Mr. DREIER of California. Mr. Speaker, last night following the President's address, I had the opportunity to talk to Mr. and Mrs. Sal Campisi, the parents of the first victim in Operation Desert Shield, as it was called at that time last August. Sal Campisi said to me, "Thank God for President Bush."

Needless to say, he was very concerned early on as many Americans were, at the actions that were taken, our movement into the Persian Gulf, but he said to me last night that he is extraordinarily thankful for the actions of our President and this Congress in providing support to the President.

When we look at where we stand today, Mr. Speaker, it seems to me that really the effort boils down to the four T's: Training, troops, tactics, and technology. The combination of those four things has brought about this spectacular victory, and it is one which I think is going to play a role in ensuring peace throughout that region.

Much work lies ahead. As my friends on the other side of the aisle have said, we have many domestic problems which need to be addressed. I totally agree.

We also will be playing a key role in ensuring the stability of the Persian Gulf. As Winston Churchill said, in victory goes magnanimity, and I think we are all recognizing that, Mr. Speaker.

And on top of that, it is raining in California.

## PRAISE AND APPRECIATION TO PRESIDENT BUSH AND OUR TROOPS

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

Mr. SCHEUER. Mr. Speaker, we all join together across the aisles and across both Houses of Congress to accept our deep appreciation to the President, to the Chairman of the Joint Chiefs of Staff, Colin Powell, to General Schwarzkopf and to those magnificent troops. They did America proud. All of them, from the President on down, did America proud.

Saddam Hussein, of course, bears the ultimate and sole responsibility for the vast and wanton destruction, for the murder, the rape, the torture of innocent civilians and the brutal violation of the Geneva Convention rules regarding the treatment of prisoners of war, as well as the treatment of civilian populations. He must be brought to justice for his war crimes, for the death and suffering of thousands of Iraqis, of Kuwaitis, and of Israelis. He must be brought to justice for the wanton destruction of Kuwait and for the violation that he did to the environment of the entire Middle East region. He torched Kuwait with fire and trashed the Persian Gulf with hundreds of millions of gallons of oil.

The butcher of Baghdad has once again proven that he is a paranoid criminal delighting in the suffering

and death of others, including those closest to him.

He must never again be allowed to threaten, to terrorize, and to intimidate his neighbors, the Iraqi people, the environment, or global security. And those who would seek to emulate him must know that they will be held accountable.

Frankly, a war crimes trial for Saddam Hussein is several years overdue. The world may have saved itself pain and anguish had we reacted appropriately to Saddam's gassing of thousands of his own Kurdish minority in March of 1988. For the Kurds, this will be justice, long delayed.

## RECOGNIZING DAPHNE MILLER MARSELAS

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

Mr. CRANE. Mr. Speaker, I would like to take this opportunity to recognize Daphne Miller Marselas—the most senior member of the House Republican Study Committee staff who will be leaving this week to take a position with the Small Business Administration.

Daphne has been with the Republican Study Committee since we founded it back in 1973. She shared our vision of the RSC—to have an office in the U.S. Congress dedicated to forging conservative values and principles into legislative initiatives. Now, the RSC is one of the leading conservative voices in the House of Representatives. In 1973, Secretary Ed Derwinski was our first chairman and Ed Feulner, now president of the Heritage Foundation, was our first executive director. Daphne was Ed's vital right hand woman and provided extraordinary talent and continuity through the intervening years.

Daphne, who holds a juris doctorate from the Washington College of Law at the American University, served as staff counsel to the RSC in addition to being responsible for judiciary, law enforcement, and labor issues.

Thank you Daphne for 17 plus years of service to members of the Republical Study Committee. You'll be sorely missed and we wish you the very best in your new position.

□ 1130

## A DEEP SENSE OF PRIDE IN OUR COUNTRY

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

Ms. DELAURO. Mr. Speaker, last night all of America slept easier after the President's announcement that hostilities in the Persian Gulf would end. I personally felt a tremendous wave of relief that I know was shared by many Connecticut families who have relatives serving in the gulf.

But soon after that initial feeling of relief I was swept by a deep sense of pride.

Pride in the performance of our troops who served in the gulf—men and women who deserve our deep gratitude. Nobody could have anticipated the magnitude and the speed of the victory they delivered.

Pride in the families of our troops who have given so much—living daily with the knowledge that their loved ones could be among those who would give their lives for this cause.

Pride in the expertise of our military commanders who delivered a decisive victory with an astonishing small loss of life—their adept and careful planning which brought this victory will go into the history books.

Pride in the quality of American technology and equipment—much of it made in Connecticut—which gave our troops and soldiers the edge they needed and saved countless lives.

And finally, pride in our Nation, which has rallied around those serving their country in the gulf and offered them the support they needed to carry out their mission—regardless of personal feelings of the war.

Mr. Speaker, I am eagerly anticipating the return of our troops and of joining the thousands of other Americans who will give them the grand welcome and the sincere thanks they so richly deserve. Today, Mr. Speaker, I am as proud as ever of my country.

## EXPRESSION OF PRIDE IN THE PEOPLE AT HOME

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

Mr. HOBSON. Mr. Speaker, I rise today to express the pride I feel for the courage shown by our service men and women in the gulf and my gratitude for the strength demonstrated by the American people in this time of crisis. Flags line the streets of our congressional districts and neighbors reach out to help the friends and families of those serving in the gulf. Their support is much appreciated, writes Bob Burress, an Ohioan and petty officer in the Navy. Bob wrote to me from the U.S.S. *Roosevelt* saying:

> I'm proud of the people of Ohio who are caring enough to write and make this a little more easy on us knowing that they support our efforts. I wish I could tell them.

Many of those people who attempt to "make this a little more easy" are in my congressional district. Their contributions are significant. For example: Much of the technology used for the initial air offensive was developed at Wright-Patterson Air Force Base; the tactical trucks used by the Army were built in Marysville; and several Reserve units from the area were activated including the 656th Transportation Company and the 178th Tactical Hospital from Springfield, and the 79th Quartermaster Company from Marion.

PO Bob Burress is justified in the pride he feels, and for now I will pass his message along to the Seventh District of Ohio and to the Nation. But soon—and this is my hope for all the men and women serving in the Persian Gulf—he will be able to express his pride in person as he is welcomed back home.

## PEACE IS THE MOST NOBLE GOAL OF POLITICS

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

Mrs. BOXER. Mr. Speaker, when the war started, I stated my prayers for a quick resolution of the conflict with the fewest number of casualties.

To those American families who suffered losses, this war was not quick enough. My heart goes out to them and to all the innocent victims of war in Kuwait and in Israel and in Iraq.

I welcome the peace with open arms, and I will work toward a foreign policy that builds on the peace model of Camp David and one that never again arms those who would harm their neighbors. Arming tyrants like Saddam Hussein only to send our sons and daughters to slay them is not something we ever want to repeat again.

In particular, today, I want to express the joy I feel for those families who have been so torn apart like the Richeys and the Seiths, especially to those little children who have faced the loneliness of having both parents in a combat zone or only one parent in a combat zone, their only parent, I feel joy for you. I want to tell you that you have had a voice here in the Congress and we will continue to pursue policies that will not put you through this nightmare again.

Peace is the most noble goal of politics, and attaining peace brings me a sense of relief and hope and optimism. Let us build to make it a lasting peace, and let us work to bring prosperity here at home.

## THE RECENT COVERT ACTIONS OF THE SANDINISTAS

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

Mr. GOSS. Mr. Speaker, they are at it again. "They" are the Marxist Sandinista army officials who are continuing to aid terrorist groups in Central America.

They have been caught red handed, and I emphasize "red." On February 22,

the Honduran military intercepted a shipment of Soviet-made weapons destined for the Cinchoneros, a terrorist group with a long history of targeting American citizens for assassination and kidnaping.

Not only did Sandinista army officials supply the weapons, but they provided safe passage for the smugglers through Nicaragua, and they even assisted with the loading of the weapons onto a truck at the Nicaraguan border.

Clearly the leopard has not changed its spots. The extensive nature of this operation indicates that this is not the act of a renegade army officer. It is a calculated move of the Sandinista leadership, the very same leadership the Nicaraguans threw out of office in the first democratic elections ever in Nicaragua earlier this year.

The Sandinista army has been given every opportunity to participate in the democratic process, but it has chosen, instead, to blatantly disregard the will of the people.

Let the record show democracy is not on their agenda.

## INTRODUCTION OF THE ENHANCED OIL RECOVERY ACT OF 1991

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

Mr. OWENS of Utah. Mr. Speaker, the centerpiece of the administration's national energy strategy is the development of the Arctic National Wildlife Refuge—development which has a 20-percent chance of discovering 3 billion barrels of oil. Does it make sense to exploit this fragile terrain when oil is already available in developed areas?

Enhanced oil recovery [EOR] involves innovative techniques which increase oil and gas recovery from existing petroleum reserves. Known EOR technologies can produce another 80 billion barrels of domestic oil—almost 50 percent of all the oil ever produced within the United States.

Why should we scar ANWR with rigs, pipelines, and drilling mud, when enhanced oil recovery uses our existing infrastructure and delivery systems?

During the last decade Congress has enacted a variety of enhanced oil recovery incentives. Today I introduce the Enhanced Oil Recovery Act of 1991 [EORA]. It is a comprehensive and innovative effort to improve oil recovery and fine tune old laws:

Reduce EOR risks—Many EOR projects are hindered by financial risks, not by a lack of incentives. EORA reduces the prohibitive losses caused by sharp downturns in the worldwide price of oil.

Qualify new EOR techniques—EOR techniques developed in the last few years such as cyclic microbial injection, microbial enhanced water flooding, gel polymer and other types of permeability modification treatments are not listed as EOR methods and therefore do not qualify for EOR incentives. EORA updates the list of EOR methods to include these new methods.

Expensing of injection wells—injection wells are primarily used for EOR. Presently, they may only be expensed if they are associated with primary recovery. EORA allows independents and integrated firms to expense injection wells associated with EOR.

Percentage depletion for EOR—Presently, independents are allowed to apply percentage depletion to only the first 1,000 barrels of oil recovered. For the rest of the oil recovered during any year, cost depletion must be used. This is a disincentive to use EOR to recover more oil. EORA stipulates that the 1,000 barrel percentage depletion limit applies only to primary production and independents may use percentage depletion for any oil recovered through EOR.

Slow well abandonment—A DOE study has concluded that by 1995, access to 65 percent of the 341 billion barrels of unrecovered oil will be lost due to well abandonment. EORA instructs the EPA to use new well monitoring techniques which provide longer access to old wells and greater protection against aquifer pollution.

New technology can give America great short term results.

Mr. Speaker, our addiction to foreign oil is not an excuse to invade this fragile terrain. Our challenge is to find a better energy policy. Enhanced oil recovery is a rare opportunity to increase energy production and preserve an ecological treasure. To those who want to drill in wild places like the Arctic National Wildlife Refuge, I say, "ANWR?—no—that's no answer."

## IRAQ MUST RETURN PRISONERS IMMEDIATELY

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

Mr. DORNAN of California. Mr. Speaker, I have not been able to feel good about the cessation of hostilities, because I listened carefully to what the President said about keeping open the option of combat if coalition prisoners of war are not returned in a brief period of time.

Life magazine has gone back to a weekly format, and here is a picture of our one known female prisoner of war. I ask you to pay close attention to the Republican who will shortly speak about war crimes trials. He will show pictures of the American pilots who were captured and, against Geneva Convention rules, brutally beaten.

Not until those POW's are turned over to U.S. Forces in the next few days should we forgo the option of sending the VII Corps up that highway about 120 kliks to Baghdad to begin to make arrests.

□ 1140

I think we may have to do that anyway, if some of these aviators were tortured to death.

I would like to submit for the RECORD, Mr. Speaker, an article entitled "Pentagon Rules and Instant Communication Have Changed the Way a War Is Reported," but reporters come off as clumsy villains in the gulf drama. Just look at this disgusting cover of Newsweek, showing a 101st Airborne MP pushing down Iraqis.

Is that the image we have of the gentlemen of the international coalition, including the French, American, and the British soldiers who have taken good care of those poor men sent to be slaughtered by Saddam Hussein? No, sir, a lot of us in this House have a lot of apologizing to do. I beg my colleagues, Mr. Speaker, to be real men and women and come to the lectern and say that they were wrong about sanctions. I will respect them forever, honestly.

## A SALUTE TO OUR TROOPS

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

Mr. PRICE. Mr. Speaker, as the Persian Gulf war draws to an end, we are deeply grateful for the dedication and competence of our fighting men and women. Because of them, Operation Desert Storm has been carried out swiftly and successfully. In community after community across the country, our people have enthusiastically expressed their pride and support.

I am especially proud of North Carolina's role in the gulf conflict. No State has made a greater contribution to this effort; about one out of every six serving in the gulf has come from a North Carolina base.

And it has been heartening to see the support for our troops among the citizens of my district, most recently at a "Salute to the Troops" rally in Wendell, NC. Hundreds of proud citizens turned out to show their support for our active duty troops, our reservists, and our National Guardsmen who are serving. A special place of honor was reserved for their families, who also have sacrificed so much. And we also recognized the veterans of past wars who were present—an important debt to remember, even as we honor those on the front lines today.

So I join in these expressions of joy today now that this conflict is at an end, and I look forward to the early return of these men and women, to whom we owe so much, to their loved ones and a grateful Nation.

## FAITH IN DEMOCRATIC PROCESS

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

Mr. KANJORSKI. Mr. Speaker, as prior speakers have indicated, America should be proud today with the victory in the Middle East, and we should congratulate the President of the United States, Secretary Cheney, General Powell, General Schwarzkopf, and most of all the great troops out there that served and did a great deal.

The real victor, the real victor in this war is our reassertion that the representative democracy that we have in this country really works. Back in January we had the faith to openly discuss war, come to a consensus in this Congress, and then this Congress, the President, and the American people, unified behind our troops to get this job done. That is the democratic process.

Today, I call the attention to my colleagues that the democratic process again is working in the Committee on Banking, Finance and Urban Affairs. We have a burden sharing amendment to the RTC bailout that passed with approval of the majority of the Republicans and a majority of the Democrats. That is the democratic process.

Now, Mr. Speaker, we have to see that this amendment comes to this House so that the body that represents the American people will have an opportunity to debate and to decide these systems openly, and decide this amendment openly. I urge my colleagues to be certain that we have faith again in the representative Government process, use that process to solve some of the other issues facing the American system today.

## PRAYER OF THANKSGIVING

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

Mr. GUNDERSON. Mr. Speaker, what a day. What a day, February 28, 1991. A day of prayer, a day of pride; and a day of principle.

Prayer of thanksgiving, that all went so well, that our troops were coming home so soon, that victory was achieved. A day of pride, deep pride in the President for his leadership and his skill, and his commitment, deep pride in the Secretary of Defense, Chairman Powell, General Schwarzkopf, deep pride in the finest military to ever wear our flag, deep pride in the allied forces in unbelievable high technology and verbal cooperation, and a day of principle.

Today the world knows that no nation, despite its military strength, shall ever again unilaterally and belligerently invade a neighbor just because it is weak. The world has established a new principle today. We can be proud of it, and we can all say a great prayer of thanksgiving for February 28, 1991. It will go down in the history of the world.

## LET'S ALLOW AMERICAN OWNERSHIP OF BANKS

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

Mr. HOAGLAND. Mr. Speaker, the Washington Post in an editorial titled "Citicorp and the Saudis" argues that the $590 million investment Prince Alwaleed Bin Palal made in Citicorp, our largest banking institution in America, was in the public interest.

After years of unfortunate economic policies, the editorial argues, it should not be surprising that we have to go overseas for capital to shore up our largest bank. Better than we secure the money somewhere so that Citicorp may increase its capital in accordance with new requirements adopted internationally.

But borrowing from wealthy foreign nationals is not our only alternative. As was made clear in a report entitled "Banking Industry in Turmoil: A Report on the Condition of the U.S. Banking Industry and the Bank Insurance Fund" submitted to the Finanical Institutions Subcommittee last December by James Barth, Dan Brumbaugh, and Robert Litan, many American commercial firms already heavily engaged in financial activities have the wherewithal to make substantial investments in major banks. I am attaching two tables from the report. Table 36 lists the book value capital held by some of the largest of these enterprises, as well as their liquid assets. Compare these figures to the book value capital in the top 10 banks, table 37 from the report. For instance, AT&T has $1.18 billion in liquid assets; Ford Motor Co. $5.73 billion; and IBM $3.70 billion. Current Federal banking laws prohibit most of America's corporations from making similar investments in our own banks.

Granted, there is some risk involved in allowing AT&T or Ford to own a large chunk of Citicorp or any bank. But let us see if we can't insulate insured bank deposits from improper use by a commercial owner. Let us reconsider ruling out altogether commercial ownership, as current law does.

Surely it does not make sense to turn our largest banks over to the Saudis when we have plenty of capital here at home. Let us consider giving our banks access to that capital. So we can keep control here at home.

TABLE 36.—CAPITAL AND LIQUIDITY OF MAJOR NONBANKING COMPANIES ALREADY ENGAGED IN FINANCIAL SERVICES

[In billions of dollars]

| Nonbanks | Book value equity capital, Dec. 31, 1989 | Cash and investment securities, Dec. 31, 1989 |
|---|---|---|
| American Telephone and Telegraph Co | 12.74 | 1.18 |
| Ford Motor Co | 22.73 | 5.73 |
| General Electric Co | 20.89 | 1.75 |
| General Motors Corp | 34.98 | 5.17 |
| International Business Machines Corp | 38.51 | 3.70 |
| Sears, Roebuck and Co | 13.62 | 2.31 |

Source: Moody's.

TABLE 37.—CAPITAL OF 10 LARGEST U.S. BANKS

[In billions of dollars]

| Nonbanks | Assets, June 30, 1990 | Book value equity capital, June 30, 1990 |
|---|---|---|
| Citibank | 164.20 | 7.91 |
| Bank of America | 90.68 | 4.66 |
| The Chase Manhattan Bank | 81.14 | 3.73 |
| Morgan Guaranty Trust Co | 71.96 | 3.24 |
| Security Pacific NB | 64.13 | 2.73 |
| Bankers Trust Co | 60.96 | 1.94 |
| Manufacturers Hanover Trust Co | 56.49 | 2.63 |
| Wells Fargo Bank | 48.65 | 3.11 |
| Chemical Bank | 48.39 | 2.22 |
| The Bank of New York | 45.73 | 2.12 |

Source: BankSource, W.C. Ferguson & Co.

## TRY SADDAM FOR WAR CRIMES

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

Mr. RAMSTAD. Mr. Speaker, this is truly a great victory for the people of Kuwait, our troops, and all freedom-loving people.

President Bush has shown that he is one of our Nation's greatest Presidents. He said this would not be another Vietnam, and it wasn't. He said Kuwait would be free, and now it is.

This victory is a credit to President Bush, our allies, our troops, and the American people who gave them such complete support.

Now justice must be done. Saddam must be held accountable for the brutal atrocities he has committed against our POW's, the Kuwaiti people, Israel, and the world.

Today, I am introducing a House resolution calling for the United Nations to try Saddam for his war crimes. Under the Geneva Convention, Iraq is responsible for turning over Saddam to the other convention signatories.

We must insist that Saddam be turned over to allied forces before Iraq is allowed to rejoin the peace-loving nations of the world community.

I ask all of my colleagues to join me in supporting this resolution.

□ 1150

## THOSE WHO SERVED

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

Mr. WISE. Mr. Speaker, I rise to say thank you, thank you to our troops in the Persian Gulf. One cannot say enough about the performance of our troops in Iraq and Kuwait and their leadership. They executed their mission flawlessly and with skill and confidence.

While this Nation debated in the regular democratic process its policy, our men and women quietly readied themselves. When that decision was made in the best democratic tradition, they answered the call. They did not question. They responded. As in all other States, 2,000 West Virginia men and women in the National Guard and Reserves were called up. They went. Thousands more already served in the active military and are on the front lines in the Persian Gulf. Their families patiently prayed, waited, worried, and above all, supported.

Let us vow now that these troops will face the proudest homecoming ever and after the ticker tape and parties are done, let us resolve that these new veterans, these veterans who turned Operation Desert Storm into Desert Calm, that these veterans who sacrified for their country will have no sacrifices of their own to make when they come home.

## PRIDE IN LEADERSHIP OF PRESIDENT BUSH AND OUR MILITARY

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

Mr. ROHRABACHER. Mr. Speaker, what a splendid job by our military men and women and by their commander in chief and what a glorious victory.

Mr. Speaker, we can all take pride in the leadership of President Bush and the performance of our military men and women. I am particularly proud of one Pfc. Jeffery Blackburn, an Army parachutist in the 82d Airborne for his role in the liberation of Kuwait. Jeffery's sister, Barbara Sanchez, is a member of my congressional staff.

But let us not forget that if the majority of the Democrat Party of this House had their way, Saddam Hussein would still be importing Jordanian weapons and building his defenses. He would still be raping and killing the people of Kuwait. Our soldiers, like Jeffery, would be sitting in the desert through the coming sandstorms and hot summer not knowing when or if America was going to act.

Mr. Speaker, the President was right. The majority of Congress was right. It is time for all Members of this House to admit that and congratulate the President, as well as the troops on this tremendous military victory.

## WE HAVE WON THE WAR, NOW LET US WIN THE PEACE

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

Mrs. LOWEY of New York. Mr. Speaker, we are all awed and impressed by the quick victory that was achieved by the allied forces and our hearts go out to the families of the servicemen who lost their lives in the battle to end Saddam Hussein's atrocities in the gulf region.

And to Rhoan Boucher, my nominee to the Naval Academy and to the service academy and the Air Force, I am so proud of you. We interviewed you on your ship and I cannot wait until you come home and I congratulate you and your mom in person.

At this time of triumph for the allies, we must follow through by vigorously addressing the challenges that still are ahead in crafting a new regional security structure in the Middle East. We must insure that Saddam Hussein never threatens his neighbors ever again, and we must ensure that Iraq's neighbors, especially Syria and Iran, are not permitted to step into Saddam Hussein's shoes and threaten peace in the region, and following Israel's remarkable restraint in the face of repeated attack we must now take steps to build even closer United States-Israeli ties.

Now is the time for the United States to use its influence with its Arab allies to begin the quest for democracy in the Middle East and to call upon these nations to rethink their approach to the Arab-Israeli disputes.

We have won the war. Now let us take firm steps to win the peace.

## PRIDE IN THE 82D AIRBORNE

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

Mr. REED. Mr. Speaker, we stand in awe today of one of the most successful military operations the world has ever seen. As a former paratrooper, I am particularly proud of my former unit, the 82d Airborne.

Our strength and success in the Persian Gulf is tribute to the skill and professionalism of our military leaders, General Schwarzkopf and General Powell.

But at its heart, the success of this military operation rests on the enduring bravery and courage of every man and woman fighting as part of the coalition forces.

These brave young men and women made great sacrifices. And they made these sacrifices for not only for themselves and for the freedoms that they enjoy but also for their friends and family, sons and daughters, sisters and brothers.

If those soldiers were here today they would ask as their legacy that we pass on to all Americans these freedoms for which they fought.

We in Congress have the opportunity to commemorate this sacrifice and recommit ourselves to building a just, decent and peaceful world. We owe that much to these brave soldiers.

And let us finally remember, when the parade stops, we have a new generation of veterans joining those who fought before them and we must support them fully. Let our support for these veterans be as fervent as it was for the soldiers of Desert Storm.

## TRIBUTE TO 101ST AIRBORNE DIVISION

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

Mr. HUBBARD. Mr. Speaker, congratulations to our President, our Secretary of Defense, the Chairman of our Joint Chiefs of Staff, Gen. Norman Schwartzkopf and our more than 525,000 men and women in Operation Desert Storm.

Kentuckians are very proud of Fort Campbell's 101st Airborne Division—the Screaming Eagles—led by Maj. Gen. J.H. Binford Peay III.

The 101st Airborne Division reached the banks of the Euphrates River less than 100 miles south of Baghdad yesterday after a 3-day thrust spearheaded by masses of ground-attack and troop-carrying helicopters.

The operation was the largest airborne assault in military history. The effort began Monday when more than 3,000 troops were airlifted to a site 50 miles inside Iraq, where they created Forward Base Cobra against little Iraqi resistance.

More than 5,000 more troops followed in stages over the next 48 hours, and early yesterday they seized control of highway 8—a two-lane road paralleling the Euphrates River that could have been used as an escape route for Iraqi forces trying to retreat northward.

The swift success of the operation stunned even our military's leaders.

Division commanders reported no combat casualties among our soldiers in the operation.

As Congressman for Fort Campbell, KY, I'm proud to congratulate the Screaming Eagles of the 101st Airborne Division.

## GRIEF FOR THE FALLEN

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

Mr. SKAGGS. Mr. Speaker, we are grateful and joyful and proud for the merciful brevity and the extraordinarily successful conclusion of the

war. We all pay tribute to the courage, skill, and sacrifice of our men and women in uniform and to the brilliance of their leaders.

The evening news speaks of divisions, battalions, squadrons, and air groups, but those grand units of maneuver in battle are made up of individual men and women, people who had constantly to swallow their fear and go forward.

We are profoundly thankful that few lives have been lost by our forces. Our hearts, while thankful for that, while filled with pride today, are also broken over the loss of those young men and women who have sacrificed their lives for their country.

Their sacrifice was brought home this morning with the news that the only brother of an intern in my office had been killed. Out of respect for the family's privacy and grief, I do not mention this brave man's name, yet in his name let us be ever mindful of his devotion to duty, his willingness in service of our country, his courage in the face of ultimate danger.

The prayers and respect and sorrow of this Congress and this great Nation are with his family, as they are with the other families who now proudly endure the shattering loss of his fellow patriots. May God rest their souls and may we all take inspiration from their lives and their deaths to pursue with full dedication a world at peace with freedom.

□ 1200

## A TRIBUTE TO OUR MEN, WOMEN, AND LEADERS IN OPERATION DESERT STORM

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

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to the leaders, our leaders in the effort which is seemingly now concluded; President Bush, of course; Secretary of State Jim Baker; certainly Secretary of Defense Dick Cheney; Gen. Colin Powell, chairman of the Joint Chiefs of Staff; General Schwarzkopf; but most of all, the young men and women not only ours but those of our allies who fought so bravely and so professionally that they were able to accomplish something that hardly anybody would have predicted a few weeks ago.

So, Mr. Speaker, while the losses have been incredibly light, there have been losses. There is sorrow in the homes of many Americans today. But I think they, like all of us, can share in the pride that we all feel here today.

## I SPEAK FROM MY HEART

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

Mrs. PATTERSON. Mr. Speaker, often when I come to this floor I come with a prepared statement, but today I speak from my heart.

In the last 6 weeks my heart has been touched and my decisions have been from the heart.

My heart spoke as I voted to give the President the option to use military force. My heart listened as a mother in my district told me of her only son serving in the Persian Gulf. And my heart cried for the family in my district who lost a loved one.

Today my heart sings as we hear the news of a cease-fire and it sings because there are so few reported losses.

My heart goes out full of thanks to the men and women who have served us so well.

## THE MOTHER OF ALL BURDEN SHARING RETREATS

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

Mr. SCHUMER. Mr. Speaker, in recent weeks, we have heard over and over that the American people do not have to worry about burden sharing, that the enormous pledges of our allies are rolling in, that Japan and Germany are paying their fair share of the costs of the war in the Persian Gulf.

Well, I have news for you. On Tuesday, Prime Minister Kaifu of Japan announced that the United States has misunderstood his nation's pledge. Despite what everyone has said, the United States is not going to receive $9 billion.

Instead, that money will be divided among the coalition members by the Gulf Cooperation Council, a fund administered by Japan and the Gulf States to which the United States does not belong.

How much will the United States receive? Not $9 billion, says Kaifu. Inclusion of this figure in the President's budget was based more on, as Kaifu put it, "American hopes and expectation," than on fact.

Mr. Speaker, the United States has just won a stunning victory in the deserts of Iraq. But now that we have won the "mother of all battles", Japan has announced what could become the "mother of all burden sharing retreats".

It would be a disaster if we won the shooting war in the gulf but lost the financial war here at home. The American people demand real participation, not promises. They want to hear the truth, not that "the check is in the mail."

Prime Minister Kaifu's announcement could be the first of many such retreats by our allies now that the war has ended. This is unacceptable; Japan must live up to its commitment, or abandon its right to participate in the new world order.

## A SALUTE TO THE MEN AND WOMEN OF STATEN ISLAND AND BROOKLYN IN THE PERSIAN GULF

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

Ms. MOLINARI. Mr. Speaker, clearly and gratefully this is a day for great pride in our Nation. But I want to use this 1 minute to salute the men and women of Staten Island and Brooklyn, the sailors on the *Normandy*, the soldiers who made up the 24th Military Reserve, and the rest of the determined, courageous, troops who call Staten Island and Brooklyn their homes.

The last few months were difficult months filled with tearful farewells throughout New York City, the days witnessed flags and ribbons displayed in every street and every neighborhood. The nights heard prayers in every home.

But because of these troops, because of their families' courage and commitment, we have proven once again that America is still the last best hope for world freedom, that we remain an America willing to pay the ultimate sacrifice for the integrity and restoration of individuality for people throughout this globe, an America that is so grateful and proud today to call George Bush our Commander in Chief.

## WE TAKE PRIDE IN THE OPERATION PERFORMED WITH EXCELLENCE, WITH HONOR AND WITH VALOR

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

Mr. GLICKMAN. Mr. Speaker, I like so many others who have preceded me come down here to talk about pride, about sorrow and about hope; proud of our country that we have been united in a common mission and we have been successful in that mission, giving us the dignity, giving us the strength and giving us the moral certitude that we have needed so much in the last 20 years.

We are proud of our troops, the men and women who performed with excellence, with honor, with valor, and proud of our leaders, President Bush, General Powell, General Schwarzkopf, and this Congress for supporting in a united fashion the implementation of this war.

There is sorrow in all the Americans who have lost their lives and who have been injured, including four Kansans, two that we just heard today, from

Fort Riley, KS, my colleague JIM SLATTERY's district. Of course, one of my own constituents, Jeff Middleton, who, unfortunately, will be buried next week in my congressional district.

We are hopeful, hopeful that when the troops come home, that we in this country can unite with the same common mission to solve so many problems that we have remaining in this country and do it in the same way that we resolved one of the great foreign policy challenges in the history of this great country of ours.

## ALL BUSINESSES SHOULD SUPPORT OUR TROOPS WITH PAY AND BENEFITS

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

Mr. McCLOSKEY. Mr. Speaker, at least five southwestern Indiana firms are demonstrating exemplary leadership and compassion in making significant expenditures for pay and benefits to their employees engaged in Desert Storm.

Mr. Speaker, would it not be great if all firms and businesses would support the troops like these companies? They are: Whirlpool Corp., Bristol-Myers Squibb, and Berry Plastics, Inc., in Evansville; ALCOA Warrick Operations, in Newburgh; and North American Products, in Jasper.

These actions greatly assist reservists and their families and should be encouraged. Congress, the President, and the Secretary of Defense should officially recognize and commend these actions.

## OUR DEEP GRATITUDE FOR AN INCREDIBLE PERFORMANCE IN THE PERSIAN GULF

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

Mr. SLATTERY. Mr. Speaker, I rise today to join my colleagues here in Congress and my constituents in Kansas in expressing my deep gratitude to the troops for their incredible performance in the Persian Gulf.

I would also like to express my sympathy and sorrow to those families in this country who have given a member of their family to this great national cause.

Mr. Speaker, there are approximately 14,500 Active Reserve and National Guard personnel from Kansas who have been deployed in support of Operation Desert Shield and Desert Storm. Leading the way is a famed 1st Infantry Division from Fort Riley, KS, the Big Red One, which has fought in both World Wars and in Vietnam. The Kansas Air National Guard's 190th Air Refueling Group from Topeka was deployed to Saudi Arabia just days after Iraq invaded Kuwait.

Also deployed are Army units, the 456th Movement Control Unit, from Manhattan, the 410th Field Hospital Detachment from Topeka, and in addition to that, the 129th Heavy Truck Company from Osage City and the 531st Transportation Company and other Reserve Guard units from Kansas.

It is a tribute to these brave men and women and our leadership, President Bush, Secretary Cheney, General Powell, General Schwarzkopf and all the others that this military operation has been carried off in such a brilliant fashion.

The members of our Armed Forces performed brilliantly and have won the admiration and respect of a deeply grateful Nation.

Now we must pray for a just and lasting peace and hope that we find the wisdom to craft that in the days ahead.

## A SALUTE TO OUR BRAVE YOUNG MEN AND WOMEN IN THE DESERT FIGHTING THIS TREMENDOUS BATTLE

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

Mr. McNULTY. Mr. Speaker, I just want to join with all of those who came to the well today to salute the President, Secretary Cheney, General Powell, General Schwarzkopf and all of those associated with Operation Desert Storm, especially the brave young men and women who are out there in the desert fighting this tremendous battle.

The war is over, Kuwait has been liberated, a brutal dictator has been disarmed. Now we await the return of our brave soldiers.

Like all Americans, I look forward to welcoming home every single soldier who served in Operation Desert Storm. They are true heroes, and I look forward to participating in the tremendous welcome that they so richly deserve.

□ 1210

## CONDEMNING CUBA'S HUMAN RIGHTS VIOLATIONS AND COMMENDING UNITED NATIONS HUMAN RIGHTS COMMISSION

The SPEAKER pro tempore (Mr. MAZZOLI). The unfinished business is the question of agreeing to the resolution, House Resolution 88.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 1, not voting 28, as follows:

[Roll No. 26]

YEAS—404

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
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| Peterson (FL) | Scheuer | Tanner |
| Peterson (MN) | Schiff | Tauzin |
| Petri | Schroeder | Taylor (MS) |
| Pickett | Schulze | Taylor (NC) |
| Pickle | Schumer | Thomas (CA) |
| Poshard | Sensenbrenner | Thomas (GA) |
| Price | Serrano | Thomas (WY) |
| Quillen | Sharp | Torres |
| Rahall | Shaw | Torricelli |
| Ramstad | Shays | Towns |
| Rangel | Shuster | Traficant |
| Ravenel | Sikorski | Traxler |
| Ray | Sisisky | Unsoeld |
| Reed | Skaggs | Upton |
| Regula | Skeen | Valentine |
| Rhodes | Skelton | Vander Jagt |
| Richardson | Slattery | Vento |
| Ridge | Slaughter (NY) | Visclosky |
| Riggs | Slaughter (VA) | Volkmer |
| Rinaldo | Smith (FL) | Vucanovich |
| Ritter | Smith (IA) | Walker |
| Roberts | Smith (NJ) | Walsh |
| Roe | Smith (OR) | Waters |
| Roemer | Smith (TX) | Waxman |
| Rogers | Snowe | Weiss |
| Rohrabacher | Solarz | Weldon |
| Ros-Lehtinen | Solomon | Wheat |
| Rose | Spence | Whitten |
| Rostenkowski | Spratt | Williams |
| Roth | Staggers | Wise |
| Roukema | Stallings | Wolf |
| Rowland | Stark | Wolpe |
| Roybal | Stearns | Wyden |
| Russo | Stenholm | Wylie |
| Sabo | Stokes | Yates |
| Sanders | Studds | Yatron |
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| Santorum | Sundquist | Young (FL) |
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NAYS—1

Savage

NOT VOTING—28

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| Andrews (ME) | Dymally | Miller (OH) |
| Annunzio | Eckart | Porter |
| Anthony | Flake | Pursell |
| Atkins | Gilman | Thornton |
| Bartlett | Hatcher | Udall |
| Bunning | Houghton | Washington |
| Campbell (CA) | Jefferson | Weber |
| Cunningham | Levine (CA) | Wilson |
| de la Garza | Luken | |
| Donnelly | Matsui | |

□ 1232

Ms. WATERS and Mr. SANTORUM changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RESIGNATION AS MEMBER AND ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following resignation as a member of the Committee on Public Works and Transportation and the Committee on Interior and Insular Affairs:

Hon. THOMAS FOLEY,
*Speaker of the House, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I hereby submit my resignation from the House Committee on Public Works and Transportation and the House Committee on Interior and Insular Affairs.

With best regards, I am
Sincerely yours,

JIM LIGHTFOOT,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 94) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 94

*Resolved*, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives: Committee on Appropriations, Mr. Lightfoot of Iowa; Committee on Merchant Marine and Fisheries, to rank behind Mr. Saxton, Mrs. Bentley of Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I have asked to proceed so that I might inquire of the distinguished majority leader the program for the balance of this week and next week. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

There will be no more votes today. On Friday, tomorrow, there will be no session of the House.

On Monday, March 4, the House will meet at noon in pro forma session. There will not be legislative business and there will not be votes.

On Tuesday, March 5, the House will meet at noon to consider three bills under suspension of the rules. Recorded votes on the suspensions will be postponed until after the debate on all suspensions, but those votes will be on Tuesday.

First there will be H.R. 707, the Commodity Futures Improvements Act of 1991; second, H.R. 1176, providing supplemental authorization for fiscal year 1991 for the Department of State for certain emergency costs associated with the Persian Gulf conflict; and third, a House Concurrent Resolution having to do with commending United States and allied military forces on the success of Operation Desert Storm.

There will also be possibly consideration of a House resolution on the Resolution Trust Corporation funding, subject to a rule.

On Wednesday, March 6, the House will meet at 2 p.m. On suspension we will consider H.R. 991, the Defense Production Act Extension and Amendments of 1991.

On Thursday, March 7, we will meet at 11 a.m. to take up a House resolution making a dire emergency supplemental appropriation for fiscal year 1991 and for other purposes, subject to a rule, and an additional House resolution providing supplemental appropriations to the Department of Defense for Operation Desert Shield-Desert Storm for fiscal year 1991, again, subject to a rule.

There will also be consideration of a House resolution concerning a Desert Storm emergency authorization.

On Friday, March 8, the House will not be in session.

Mr. MICHEL. I thank the distinguished gentleman. If he has concluded, I will yield to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding, Mr. Speaker.

Mr. Speaker, I want to ask about two topics. First of all, I note I believe on Tuesday we intend to bring up a resolution concerning the war, and I want to ask about two parts of that. First of all, the gentleman from Michigan [Mr. BROOMFIELD] has introduced a resolution which we on our side feel very strongly should be the vehicle to come to the floor. We realize the gentleman cannot make that commitment right now, but we would be very, very opposed to a watered down milquetoast resolution. We feel quite strongly about that.

In addition, if it is brought up under suspension, since we spent 16 hours debating the issue of whether or not the President should be allowed to use force, we would like to work out some kind of arrangement where we could have essentially some kind of an agreement to have more than the usual 20 minutes on each side because there may be a signficiant number of Members who on a topic of this important would feel it important to express themselves.

I wonder if the gentleman could comment both on whether or not we could get a bipartisan agreement on the content of the resolution and whether or not we could find some agreement to have more than just 20 minutes on each side.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, it would be our effort and attempt to try to work out both a vehicle and langauge that all sides could agree to within the committee, and we certainly would entertain ideas for expanding the time for debate.

Mr. GINGRICH. If the gentleman will yield further, I note that the Resolution Trust Corporation is now technically out of money, and that insuring the depositors and making sure that the depositors are protected, that it costs, as I understand if from the Treasury Department, $8 million a day for every day that the Congress fails to

do its job, and this is unnecessary waste. This is not money we have to spend for anything. I wonder, we were all hoping, frankly, that we could pass a clean Resolution Trust bill today so that we would be in a position to go back to the American people having saved the money. When we come back in on Tuesday in effect we will have lost about the first 4 days or $32 million in unnecessary expenditure, and I wonder if the distinguished majority leader can tell us when we might expect to be able to bring up a bill so that we would not be costing these taxpayers $8 million a day in congressionally mandated waste.

□ 1240

Mr. GEPHARDT. If the gentleman will yield further, as the gentleman may know, there were attempts in the committee to bring a bill out for a variety of reasons that failed. There will be every attempt made in conjunction with the majority side to try to bring out a bill on Tuesday, and I would further submit that, unfortunately, the Senate did not finish working on this bill and apparently has gone out of session, the other body, that is, left this week without finishing, so we hope that on Tuesday we can bring this to completion.

Mr. MICHEL. Let me also underscore, as the gentleman has very well pointed out, 8 million bucks a day simply by not doing what we are eventually going to be obligated to do.

I would hope that Members, certainly 50 percent of our side with a few more, and 50 percent on that side with a few more, to get this thing over and done with. We are going to have ourselves nickeled and dimed back and forth, back and forth. But each time we delay, it is going to cost us more.

What we are doing in the main is reimbursing the insured depositors for their accounts, so there is no way we are going to get out of this thing. We might as well face up to it. It is not a good choice, but the sooner we do it, the better.

Mr. GINGRICH. If the gentleman will yield further, respecting deeply our rule against commenting on the other body, which I will do, I think we do have a chance to show leadership here in the House. I think on the Republican side we are prepared to go to work and certainly try to have a bipartisan bill on the floor on Tuesday, that we would do everything we could to get votes for and to support, because by the end of next week, again, we will have literally been up in the $50 million or $60 million in absolutely, totally unnecessary waste of money that does not have to be thrown away. We need to save that money for a lot of more important things.

I think the majority leader's expression of an attempt to bring it up on Tuesday. We will do all we can to help get that up on Tuesday, and maybe that would inspire the other body to move expeditiously.

## ADJOURNMENT TO MONDAY, MARCH 4, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Is there objection to the request of the gentleman from Missouri?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## MAKING IN ORDER ON WEDNESDAY, MARCH 6, 1991, CONSIDERATION OF MOTION ON H.R. 991, DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, March 6, to consider a motion pursuant to clause 1 of rule XXVII on the bill, H.R. 991, the Defense Production Act Extension and Amendments of 1991.

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

There was no objection.

## MAKING TECHNICAL CORRECTIONS AND CORRECTING ENROLLMENT ERRORS IN CERTAIN APPROPRIATIONS ACTS

Mr. WHITTEN. Mr. Speaker, I offer a joint resolution (H.J. Res. 157) making technical corrections and correcting enrollment errors in certain acts making appropriations for the fiscal year ending September 30, 1991, and for other purposes, and I ask unanimous consent for its immediate consideration, that any rule of the House to the contrary notwithstanding, debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from Pennsylvania [Mr. MCDADE], and that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit.

The Clerk read the title of the joint resolution.

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

There was no objection.

The text of House Joint Resolution 157 is as follows:

H.J. RES. 157

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—INTERNATIONAL AFFAIRS

SEC. 101. The appropriation "Foreign Military Financing Program" as contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) is amended by striking out "$4,663,420,800" and inserting in lieu thereof "$4,259,920,800".

SEC. 102. Upon the enactment of this Act, the order issued by the President on November 9, 1990, pursuant to section 251 and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is hereby rescinded. Any action taken to implement this order shall be reversed, and any sequestrable resource that has been reduced or sequestered by such order is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the order had not been issued.

TITLE II—MILITARY CONSTRUCTION

In Public Law 101-519, the Military Construction Appropriations Act, 1991, section 131 and 132 are hereby repealed.

TITLE III—GENERAL SERVICES ADMINISTRATION

In Public Law 101-509, the Treasury, Postal Service, and General Government Appropriations Act, 1991, under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction" at the end of the listing for the District of Columbia add the following project:

"General Services Administration, Southeast Federal Center, Headquarters, $148,500,000: *Provided*, That such funds shall be obligated only upon the advance approval of the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works", and under the heading "General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue, New Construction, Virginia, Northern Virginia Naval Systems Commands" strike "$273,000,000" and insert in lieu thereof "$240,000,000: *Provided*, That 10,000,000 in additional funds may be obligated upon the advance approval of the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works: *Provided further*, That no more than $250,000,000 shall be available for acquisition, through direct purchase and construction of 1,000,000 square feet of occupiable space: *Provided further*, That acquisition of an additional 1,000,000 square feet either through direct purchase, construction, or lease, shall only be permitted upon the advance approval of a prospectus by the House Committee on Public Works and Transportation and Senate Committee on Environment and Public Works".

TITLE IV—DEPARTMENT OF TRANSPORTATION

In Public Law 101-516, the Department of Transportation and Related Agencies Appro-

priations Act, 1991, section 329 is hereby repealed. The Secretary of Transportation shall restore any funds subject to apportionment and obligational authority reduced under section 329.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minites.

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

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

Mr. Speaker, the closing days of the 101st Congress were very active days for the committee and the Congress. From October 18 to October 27, we handled 15 conference reports on appropriations bills and 3 continuing resolutions. Members worked long hours to reach agreements. On more than one occasion staff worked more than 36 hours straight to prepare the conference reports and statements of managers.

It was a situation where the opportunity for error was very high. People were under pressure to get these bills done quickly and well. Because of the opportunity for error and out of an abundance of caution, we performed an even more careful review than we usually do of the enrolled bills that were sent to the President to see if any errors had been made.

We found, during that review, four significant errors had been made and enacted into law.

This resolution corrects those errors.

Foreign Operations.—Due to a drafting error, the Foreign Military Financing Program in the foreign operations bill is $403.5 million too high. This appropriation error resulted in a sequestration in the international affairs function accounts to reduce the allocation for the international affairs accounts to the agreed upon level. The reduction on other international affairs accounts is having a negative impact and needs to be reversed. The resolution also reverses that sequestration.

Military Construction.—The enrolled military construction bill included two Senate-passed sections which had not been agreed to in conference. The enrolling process failed to reflect final congressional action. These sections now need to be deleted from the law to accurately reflect the congressional actions shown on pages H10665–10666 of the CONGRESSIONAL RECORD of October 19, 1990, and page S17705 of the CONGRESSIONAL RECORD of October 27, 1990.

General Services Administration.—The enrolled Treasury Postal Service bill did not include two modifications made by the Senate and subsequently agreed to by the House. The modifications to the Federal buildings fund construction program were not picked up during enrollment and the public law needs to be revised to reflect the congressional action shown on pages S16853 and H11694–11695 of the CONGRESSIONAL RECORD of October 23 and 24, 1990, respectively.

Transportation.—The House passed bill contained a provision regarding the sources of State revenues for urban mass transit. The Senate passed bill struck the provision. The House position prevailed in conference. The Senate amended the conference agreement further which was intended to, in effect, set aside the earlier section. The administration's interpretation is that it does not. A revision to the bill is necessary to reflect the final congressional agreement.

Mr. Speaker, I urge support of the resolution.

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

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

(Mr. MCDADE asked and was given permission to revise and extend his remarks.)

Mr. Speaker, I am pleased to rise in support of this bill, which is aptly described as noncontroversial. I expect and hope this will only take a minute.

Technical corrections, in my experience, are unusual for appropriations bills. In my 27 years as a member of the Committee on Appropriations and my 29 years as a Member of the House, it is rare to even have to bring a technical corrections bill up because the staff does such a magnificent job of taking care of these bills. We can all recall the tumult of the closing days of the last session, and I am surprised there are only a few.

In the foreign operations bill, some $400 million in a foreign military sales program were added on top of the overall account, rather than earmarked from within the account. That resulted in the bill exceeding its spending limits by that amount, which in turn triggered a 1.9 percent categorical sequester 15 days after Congress adjourned. Today, we correct that error and undo the sequester.

In the military construction bill, two general provisions were ultimately dropped from the bill as it moved back and forth between the House and the Senate, but the version that went down to the White House and was signed into law mistakenly contained those two provisions. Today we correct that error.

In the Treasury bill, a similar thing occurred with respect to the amount of money provided to the General Services Administration for the construction of Navy buildings. The conference report also failed to include a provision for the GSA headquarters building that had been agreed to by the conferees. Today, we correct those provisions.

And finally, in the transportation bill, a provision intended to reflect a compromise reached in the final hours of the session, assuring the continued flow of Pennsylvania highway funds in fiscal year 1991, did not quite have its desired effect. Today, we correct that.

And, Mr. Speaker, that's it. Relatively simple corrections in four bills.

Mr. Speaker, this is the first time I have had the privilege of managing a general appropriations bill for the Republican side of the aisle. I am honored to be given this privilege. I would like you and all of my colleagues to know that I obviously take this responsibility very seriously. I would like to say to the chairman, the dean of the House, JAMIE WHITTEN, that I look forward to working with him in the months and years ahead. I hope all our bills will be as easy and noncontroversial as this. And I would like to say to the Members on my side of the aisle that I will do my best to reflect their views and to assure them that the vigilence which is our prerogative and our right will be constantly and consistently exercised.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I appreciate the comments of my colleague, the gentleman from Pennsylvania [Mr. MCDADE].

We have worked together for many, many years in many, many areas. He has done a fine job as ranking member on the Interior's Subcommittee and then on the Defense Subcommittee. I know he will do a great job as ranking member of the full committee.

As I told him earlier, there comes a time when we will have to pull together to get the work of the committee done, and we will have no difficulty along that line. We are mighty glad to be working with the gentleman from Pennsylvania [Mr. MCDADE]. He will do a great job.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Under the unanimous-consent agreement, the previous question is ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and that I be permitted to include tabular and extraneous material, on House Joint Resolution 157, the joint resolution just passed.

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

There was no objection.

AMTRAK

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, earlier today I spoke about the end of the Persian Gulf war and the need to proceed now to domestic agenda, that now that the war is over we have wars at home that we have to deal with. There is a war to regain our economic self-sufficiency, a war to develop viable energy policy, a war to develop a viable health care policy, a war against drugs and crime, a huge domestic agenda awaits Members.

However, I think it is important to look at the Persian Gulf war and acknowledge whose winners and losers. Obviously, the President of the United States is a big winner in leading the allied effort. American troops and coalition forces, the military, the Congress of the United States for uniting behind the President after a constitutional debate authorizing the use of force. The United Nations is a big winner, too. The fact that we can use effectively their peacekeeping functions. The days when the United Nations is only bureaucratic and involved in nonimportant international issues perhaps may be over, as they provided a forum for peacekeeping, and hopefully in the days ahead for a viable role in securing a new peace.

The role of new efficient weapons like the Patriot, well-built, effective, high technology, the Tomahawk, developed under several administrations, including I must say, President Jimmy Carter. Especially under Jimmy Carter, the father of the Stealth bomber. The media, I think, played a very positive role, with CNN in particular, bringing the reports from the field almost instantaneously, the global village reinforced.

The losers are obvious. Saddam Hussein, any dictator that wishes to risk aggression. Yasser Arafat. The Soviet Union, toward the very end trying to tilt toward Iraq, regrettably did not play a constructive role. The whole United States-Soviet warming, perhaps, may be in jeopardy. I certainly hope not. Germany and Japan, also, for not doing as much as they should have.

Mr. Speaker, I wish to change the subject to a recent positive experience that I just took, returning from New Mexico to Washington on a train, on Amtrak.

All those nasty things said about Amtrak are not true. In fact, Amtrak is back. I recently took the Southwest Chief from Lamy, NM, to Chicago in an effort to get a firsthand view of Amtrak. As a member of the Subcommittee on Transportation of the Committee on Energy and Commerce, we have oversight responsibility over Amtrak.

At a time when we are trying to conserve energy, train travel should be encouraged. Every industrial country has a viable passenger rail service. An Italian couple on board the Chief touring our country said the service on Amtrak is better than any rail system in Europe.

Even though the train was filled to capacity, the service was excellent—as good as any five star hotel. The accommodations are clean and comfortable. Employees were courteous, efficient, and proud of their jobs.

Train travel is a great family outing, discovering America together. During our trip, we traversed the desert landscape of New Mexico, the mountains of Colorado, the plains of Kansas and Missouri, and the rolling farmlands of Illinois.

After boarding in Lamy late afternoon on Saturday, we arrived in Chicago 24 hours later—rested, relaxed, and ready to take on new challenges.

Mr. Speaker, I especially wish to commend the following Amtrak employees on the Southwest Chief. They all provide excellent service to Amtrak passengers. The employees are: Bill Hodge, Marty Ray, Mike Hennesey, Paul LoMonaco, Roger Young, Leon Lletcher, and Craig Craig.

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BLACK HISTORY SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, a special order was conducted on the evening of February 26, recognizing Black History Month and I was unable to be present. At this time I want to enter some remarks in the RECORD recognizing Black History Month.

Mr. Speaker, earlier this month I cohosted the Fourth Annual Third District Georgia Black History Month observance. My good friend and distinguished colleague, the gentleman from Ohio [Mr. STOKES], was the featured speaker in Columbus, GA, and at the historically black institution Fort Valley State College. The Congressman from Ohio [Mr. STOKES] delivered a stirring and impressive message, and emphasized that black history is often left out of the history books. He particularly made a favorable impression on the students at Fort Valley State College by describing his rise, along with his brother Carl, from a ghetto in Cleveland, OH. Carl Stokes, his brother, went on to become the first black to be elected mayor of a major city, and LEWIS STOKES has been a Member of Congress for 23 years.

The gentleman from Ohio [Mr. STOKES] emphasized that a person can be what they want to be if they strive to do so. He pointed out that several black Americans have done great things and have been overlooked by the authors of history books. He stated:

> Until we commit ourselves to acknowledge the historical fact that black men and women have made great contributions to our Nation's progress, just as white men and women have, our Nation will never be able to realize the basic benefit of our democracy that all men and women are created equal.

Black History Month has been set aside throughout America to recognize those individuals, organizations, and communities who have played key roles in our history. The annual event held in the Third District of Georgia pays tribute to those individuals and institutions who have contributed their efforts and dedicated their existence to the improvement of America.

□ 1300

While we pay tribute to Black History during this month, we should also recognize people and projects that are helping present and future generations. The proceeds of the events in the Third District went this year to the House of Mercy in Columbus, GA, and the Cleveland W. Pettigrew Endowment Fund at Fort Valley State College. Several thousands of dollars went into these funds.

The House of Mercy was founded in Columbus by Mrs. Ocie Harris in 1976, and offers a loving home to less fortunate people by providing them with meals, clothing, shelter, medical services, aid in finding employment, and drug and alcohol recovery programs. The Cleveland W. Pettigrew Endowment Fund at Fort Valley State College, a historically black college, exists to raise funds needed for scholarships, faculty development, research, and academic activities at the college.

Recognition of those who have assisted in better race relations, or who have dedicated their lives to the betterment of America, or who have worked to help the less fortunate, really knows no racial boundaries.

Some of those are Congressman JOHN LEWIS, a distinguished Member of this body right here from Georgia; John F. Kennedy, Martin Luther King, Jr., Benjamin Mays, Eleanor Roosevelt, Douglas Wilder, Chairman of the Joint Chiefs of Staff Gen. Colin Powell. Each of these people and many others—some black, some white—some rich, some poor—some living and some who have gone on—each tried or are currently trying in their own special way to work for a better America. This spirit continues to flow through many of us and our young people, and will continue to bolster our free and democratic society.

It was a pleasure to have Congressman STOKES with us at the observances in the Third Congressional District of Georgia.

He has played an integral role in this development, and he continues to be a moving force in assisting others. Congressman STOKES served honorably in

the U.S. Army, and then began a successful career as an attorney. In his first attempt at public office, Mr. STOKES was elected to the congressional seat in 1968 he still represents. This made him the first black member of Congress from the State of Ohio, and he currently serves as the dean of that distinguished body.

Congressman STOKES currently serves on the House Committee on Appropriations, and ranks seventh on that prestigious committee of 57 members, simply meaning that one day in the not too distant future, in a few years, he could be the chairman of this distinguished committee.

He served as chairman of the select committee which conducted the investigation and study of the circumstances surrounding the death of President John F. Kennedy and the death of Dr. Martin Luther King, Jr.; and he has been the chairman of the House Permanent Select Committee on Intelligence.

Congressman STOKES is a former chairman of the Congressional Black Caucus; he currently chairs the Congressional Black Caucus health brain trust; he has been named as one of the 100 most influential black Americans by Ebony magazine in every year since 1971; he has been presented the Martin Luther King, Jr., award by Ebony magazine; and was awarded the William L. Dawson Award by his colleagues in the Congressional Black Caucus.

He has received 18 honorary doctorate degrees from distinguished institutions.

I would like to publicly applaud the Speaker of the House, TOM FOLEY, for recently appointing Congressman STOKES as chairman of the House Ethics Committee. It is a chairmanship he previously held from 1981 to 1985, and one in which he will do an excellent job.

Mr. Speaker, it is my pleasure to participate today in the celebration and recognition of Black History Month. I am also delighted to pay tribute to a living, breathing example of black history and black history in the making: My colleague, my friend, a distinguished Member of the House of Representatives, Congressman LOUIS STOKES.

## INTRODUCTION OF H.R. 1202, MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a most important piece of legislation, the Mickey Leland Childhood Hunger Relief Act. This bill responds to an ongoing national tragedy, the tragedy of hunger in our land of plenty.

There is no question that resources in the Federal budget are extemely tight this year. It would be irresponsible, however, for us to sit by and ignore the mounting evidence of the prevalence of hunger and its consequences. For example, we have been closely following the results of a ground-breaking study of childhood hunger known as the Community Childhood Hunger Identification Project [CCHIP]. Although the final results are expected to be released at the end of March, preliminary results suggest that at least 3.5 to 5 million American children are hungry and a total of 8 to 9 million children are hungry or at risk of hunger. Hunger children are two to three times more likely to have suffered recent health problems than low-income children from nonhungry households, and these health problems are associated with higher school absenteeism.

The consequences of hunger among children should give all of us pause. The U.S. Public Health Service has reported that the Surgeon General's goal of eliminating growth retardation of infants and children caused by inadequate diet cannot be met under present circumstances. Recent research shows hungry children have significantly impaired abilities to learn. It is unconscionable that the children of America, who represent the future of our Nation, should have to endure these conditions.

Nobody felt this more strongly than Mickey Leland. Mickey's courage, strength of vision and persistence throughout his service in Congress helped move hunger, in America and overseas, to the forefront of this Nation's consciousness. Mickey was a powerful speaker, but he preferred to encourage his colleagues to join him on trips to see the effects of hunger first hand. He knew that the human tragedy of hunger could reach across partisan and ideological lines. Those of us who accompanied Mickey to the Hunger Committee's field hearing saw that he had remarkable empathy for people who suffered from hunger which allowed him to make contact with them immediately. That same gift for building bridges to people of all backgrounds made him a remarkable effective legislator working with Members on both sides of the aisle.

The tremendous outpouring of grief at Mickey's untimely death 2 years ago knew no distinctions of party or political point of view. It was testimonial to his ability to bring people together. Yet, Mickey would want more than that. He would insist that we continue the vitally important work that was so much a part of his life.

It was with this in mind that BILL EMERSON and I, along with other friends of Mickey, sought to create a living memorial of him, a memorial of the kind he would most want. Building on what we learned in our years of serving with Mickey on the Select Committee on Hunger and in working together on the Agriculture Committee's Nutrition Subcommittee, we sought to identify the best ways in which we could make a difference in reducing hunger in America. We were joined in this effort by my very able successor as chairman of the Nutrition Subcommittee, CHARLES HATCHER, who led the subcommittee in conducting an extensive round of hearings relating to last year's reauthorization of the Food Stamp and Temporary Emergency Food Assistance Programs.

In developing this legislation, it was a great pleasure to work again with my good friend and colleague, BILL EMERSON, who was Mickey's frequent companion on field trips to investigate hunger in this country and overseas. His patience, insight, and commitment to improving our nutrition programs have enlightened our efforts over the years. It was also very good to have the opportunity to work closely with the chairman of the Committee on Agriculture, KIKA DE LA GARZA, who has been a forceful advocate for nutrition programs for many years. His insights and judgment made a major contribution to crafting a sensible and well-targeted bill.

The House budget resolution for fiscal year 1991 provided room for the Leland bill, and it was included in the farm bill reported out of the Agriculture Committee. Last August, in a striking 336 to 83 vote, this body endorsed the Mickey Leland Memorial Domestic Hunger Relief Act.

Unfortunately, this initiative did not survive the budget summit negotiations at the end of last year's session. As disappointed as BILL EMERSON and I were, we both vowed that we would redouble our efforts this year to pass legislation to respond to respond to the tragedy and disgrace of hunger.

I am proud to say that the legislation that we are introducing today, which is very similar to the version that passed the House last year, is an entirely fitting memorial to Mickey Leland. The bill makes a serious effort to attack the causes of hunger rather than just its symptoms.

The centerpiece of the bill is a pair of provisions designed to alleviate hunger among the homeless and near-homeless. HUD and the Census Bureau data show that 45 percent of all poor renters spend at least 70 percent of their incomes on shelter costs. Households that are forced to devote this much of their income to shelter costs will almost by definition be at severe risk of hunger. Moreover, the high cost of shelter for low-income Americans is forcing more and more of them to double-up in housing. Unfortunately, current food stamp rules do not properly recognize the needs of these households.

Our bill would allow households with children to deduct high shelter costs in the same way that elderly and disabled households do at present. Under current law, households may deduct shelter expenses that exceed 50 percent of their incomes, but only up to an amount indexed annually, which for 1991 is $186 a month. The cap does not apply to elderly and disabled households.

The excess shelter deduction was enacted to avoid forcing households with high housing and utility costs to choose between eating and paying their shelter costs. But for households that are not elderly or disabled, this deduction is limited to $186 a month—even if the household's excess shelter costs are greater. This means that the very families that face the most severe housing cost burdens—families that do not receive HUD housing aid and that pay extremely high proportions of their incomes for housing—are the families that are not permitted to deduct their full excess shelter costs. Under the current food stamp benefit

structure, families with very high shelter costs are thus assumed to have money available for food that actually must go to pay the rent and utility bills—and as a direct result their food stamp benefits are set at unrealistically low levels. The cap most severely burdens families with children since it is a fixed limit with no allowance for household size.

Since the cap was enacted in 1977, the low-income housing market has changed radically. In 1978, the number of low-rent housing units—defined as units renting for no more than $250 a month, as measured in 1985 dollars—exceeded the number of households with incomes below $10,000 a year. In 1985, there were 3.7 million fewer low-rent units than there were households below $10,000, a sharp reversal of the conditions that prevailed only 7 years earlier. The result has been a stunning increase in the housing cost burdens on poor households.

Moreover, the rationale for the cap has disappeared since 1977. Congress imposed the cap to keep middle-income households from getting food stamps by claiming large shelter deductions. Gross income limits have since been added to the program to exclude higher income households without regard to their deductible expenses. Lifting the cap therefore will not allow middle-income households to receive food stamps; it will only provide more realistic benefits to families with high shelter costs who are now eligible.

Our bill also would simplify the current food stamp household definition. Adults who buy and cook food on their own could apply as separate households from their relatives. For example, when two brothers who had previously lived on their own move into the same apartment because they cannot afford separate housing, either or both could apply for food stamps independently if they bought and cooked food separately. The bill would still require parents, spouses, and their minor children to be in the same household.

Current law requires, subject to several exceptions, that parents and their adult children, and adult siblings, be in the same household even if they buy and cook food separately. State food stamp administrators have complained that the current definition is far too complex and excessively error-prone.

The current household definition discourages low-income people from doubling-up in the homes of relatives. This is extremely counterproductive at a time of rising homelessness. These rules particularly hurt migrant farm workers, who may live separately in their base States but double-up with relatives in labor camps during their travels to save money.

The AFDC, Medicaid, and SSI Programs have no comparable rule requiring adult siblings, spouses or parents and their adult children, to apply for and receive benefits together.

The bill seeks to promote self-sufficiency and personal responsibility in several ways. It would exclude the first $50 a month paid as child support from being counted as income in determining food stamp allotments. AFDC already allows households to keep the first $50 of child support paid each month.

The $50 exclusion in AFDC recognizes the importance of having parents assume responsibility for their children; it gives custodial parents an incentive to seek out absent parents, and absent parents an incentive to pay child support. The Food Stamp Program currently undercuts these incentives by counting the $50 payments as income, which reduces food stamps.

Excluding the first $50 of child support payments for food stamps as well as AFDC will simplify the administration of the two programs and ease burdens on case workers. This reform passed the House in 1987 as part of the welfare reform bill.

The bill also would seek to encourage low-income absent parents to make support payments and ensure that the ability of these parents to feed their current families is not unduly burdened by their performance of their child support obligations. The bill would exclude from the income of a low-income household any legally binding child support payments a household member makes to support a child outside of the household.

Under the present law, no exclusion from income is provided for child support payments an absent parent makes. This means that if an absent parent remarries and has children in his second family—but still has low income—the payments he makes to support the children in his first family are counted as though they represented income still available to buy food for his current family.

In addition to being an unrealistic reflection of the resources available to the father's current family, the current law also raises serious equity issues. If two absent fathers have the same level of income before the child support payments—but one responsibly pays child support while the other fails to—both receive the same amount of food stamps. Yet the father who has made the support payments has less money left for food purchases than the father who makes no payments.

Just as a key principle of welfare reform was that poor parents who work should be better off than those who do not, so, too, should the families of absent parents who pay child support be better off than parents who neglect their obligation to support their absent children.

The proposal would strengthen food stamp employment and training [E&T] programs by increasing the limit for reimbursements to recipients for the costs incurred in E&T activities. The bill also would raise dependent care reimbursements to the level set in the Family Support Act. The limit on reimbursements for transportation, uniforms, and other expenses would rise to $75 per month. Current law limits dependent care reimbursements to $160 per dependent per month and other reimbursements to $25 per month and requires States to exempt from the work requirement those households whose costs would be higher.

Raising the reimbursement limits will allow States to bring more households into E&T programs. In many areas, child care cannot be obtained for $160 per month. In some rural areas, the cost of transportation to training sites or job contacts may well exceed $25 for many recipients. Without this increase, States may be forced to leave whole communities out of their E&T programs. Also, many training programs require tools, uniforms, or protective clothing that cost significantly more than these programs can now reimburse. Similar provisions already have passed the House, as part of the 1987 welfare reform bill and again last year, and the Senate, in its version of the 1988 Hunger Prevention Act.

The bill would raise the current $4,500 limit on the fair market value of vehicles that food stamp recipients may own.

The current $4,500 vehicle limit was written into the act in 1977 and has not changed since, despite rapid inflation. As inflation passes $4,500 vehicle resource limit by, more and more working families are made ineligible for food stamps because of cars they depend upon to get to work. The consumer price index for cars has risen 120 percent since 1977. Working households may be forced to choose between going hungry for lack of food stamps and selling their cars, which can force them to leave their jobs.

The President's Task Force on Food Assistance in January 1984 recommended that this limit be increased to $5,500 immediately. Increases in the limit passed the House, with the 1985 and 1990 farm bills, and the Senate, with the 1988 Hunger Prevention Act. We should do nothing that will compromise households' opportunities to retain and enhance their abilities to be self-sustaining.

The bill would make one addition in the vehicle rules to assist a small group of households that need vehicles that may be especially durable and expensive. The bill would exempt vehicles that are used to transport water or fuel where the household lacks piped-in water or fuel.

In places that still are not served by water mains, households may have to haul drums of water for long distances, and often over difficult terrain. Other rural households may have to haul firewood or coal to their homes for heat. Even the poorest of these households cannot afford to be without a dependable vehicle that can hold up under this kind of use. Yet the trucks that many of these households have for this purpose, though far from luxurious, tend to have fair market values well in excess of the current $4,500 limit or the new limits proposed by this legislation.

The bill seeks to avoid hunger and hardship caused by inadequate benefits in the Food Stamp Program. Almost two-thirds of those getting food stamps are elderly, disabled, or children. Almost 83 percent of all food stamp benefits go to families with children.

The bill would raise basic food stamp benefit levels in stages to 105 percent of the Thrifty Food Plan. This needs to be done to allow households to purchase the thrifty food plan for most or all of the year. Under the Hunger Prevention Act of 1988, basic food stamp benefits will reach 103 percent of the previous June's thrifty food plan in fiscal year 1991. Food stamp benefit levels increase every October to reflect food costs the previous June.

Over the 13-year history of the thrifty food plan, the average cost of the plan in the last half of the fiscal year has exceeded the cost in the previous June by an average of 5.4 percent. The adjustment to 105 percent of the previous June's cost is needed to make it much more likely that food stamp allotments will be sufficient to allow food stamp households to purchase the thrifty food plan for most or all of the year.

The experience of fiscal year 1989 is illustrative: In the latter half of fiscal year 1989, the average monthly cost of the thrifty food plan exceeded the cost in the previous June by 8.9 percent.

It should be noted that even this increase is relatively modest. Food stamps provide an average of less than $0.70 per person per meal. The maximum food stamp benefit for a family of four provides only $0.96 per person per meal. The Food and Nutrition Service [FNS] has reported that "fewer than one in ten families spending an amount of money equivalent to the cost of the Thrifty Food Plan received 100 percent of the Recommended Daily Allowances. Less than half received even two-thirds of the Recommended Daily Allowances."

The bill would increase funding for the Nutrition Assistance Program [NAP] in Puerto Rico over baseline in each of the 4 remaining years of the farm bill. The increments would rise from $11 million in the first year to $25 million in the fourth year.

In 1981, the Food Stamp Program in Puerto Rico was replaced by the NAP, which is funded on a block grant basis. Funding was cut well below the level required to provide nutritional assistance comparable with that of the Food Stamp Program. In subsequent years, funding was frozen or increased by less than baseline. As a result, poor children in Puerto Rico have far less of a nutritional safety net to rely upon than do comparable poor children in the 50 States, Guam, or the U.S. Virgin Islands. These modest increments would make a small step toward redressing this imbalance.

The bill would return to the rule contained in the 1981 Omnibus Budget Reconciliation Act [OBRA] and eliminate the reduction of food stamps for households reapplying within 30 days of going off the program. OBRA 1981 required that new applicants for food stamps have their initial month's benefits prorated based upon the day of the month that they applied. OBRA 1982 extended prorating to recipients whose participation in the program is briefly interrupted because the household, for whatever reason, does not reapply by the first day of the month. A recent GAO report recommended this change back to the OBRA 1981 rule.

GAO found that the vast majority of the households suffering short gaps in benefits remain eligible throughout the period. Gaps frequently result from State errors, forms lost or delayed in the mail, or honest misunderstandings by household members. These gaps in benefits can force households to divert some of their rent, mortgage, or utility money to pay for food, leaving them in danger of an eviction or a utility shutoff. The situation of recipients who suffer a brief gap in benefits is different from that of new applicants, who may have been living off of income for a job in the early part of the month before they applied for food stamps.

The Drought Relief Act of 1988 enacted this provision for migrant farm workers, and the Senate's version of the Hunger Prevention Act of 1988 would have applied this rule to all households.

The bill would exclude all vendor payments for housing that meet the definition of transitional housing for the homeless. None of these vendor payments should be counted against homeless households since they are not, in fact, available to households and cannot be used for food. Current rules count part of vendor payments of transitional housing for the homeless in States that use certain methods to calculate AFDC benefits. Homeless households' ability to receive food stamps should not depend on how a State happens to label its AFDC benefits.

The bill would exclude general assistance [GA] vendor payments provided for expenses other than housing from consideration as income in the Food Stamp Program.

In all but a handful of states, general assistance programs are primarily local, often quite informal efforts. A township supervisor or a county justice may receive a request from a family for help with a particular need—a utility shutoff notice, a medical procedure that is needed, a car that needs to be repaired so that a household member can get to work, and so forth—and to authorize payment from local governmental funds to meet that need. Because these payments are sought and approved for specific purposes, the supervisors, or court clerks will often make their checks out to the vendor or creditor involved. Although these payments are never in the household's hands, and are not available to meet the household's food needs, they are nontheless counted as available income to reduce the household's food stamps.

The Food Stamp Program's current rules on vendor payments were written primarily to prevent the wholesale diversion of regular AFDC benefits into vendor payments to keep them from being counted as income to food stamp households. Unfortunately, it was written to cover GA vendor payments as well, even though the same problem does not apply with regard to GA. Few GA programs operate on anything like a statewide entitlement basis, and GA vendor payments are made on behalf of the household it will generally be because of the custom of the official making the payment.

Last year's farm bill excluded from consideration as income those GA vendor payments made under State laws that prohibit making direct payments to households. In some jurisdictions that routinely provide any GA relief in the form of vendor payments, however, the program is so informal that there may be no explicit State law requiring them to be issued in that form. This provision will allow these jurisdictions to respond to households' legitimate emergencies—other than those requiring housing assistance—without causing the household to suffer a new emergency with the reduction of their food stamps.

Finally, the bill would eliminate the remaining funding cap provisions of the Food Stamp Act. It would eliminate current procedures requiring USDA to submit monthly reports to Congress concerning the Food Stamp Program's rate of spending and the sections that authorize the reduction or cessation of benefits to households if funding is insufficient.

This approach was proposed last year by the administration as part of its recommendations for the farm bill. As the administration pointed out, the cap was imposed more than a decade ago, at a time when the program's growth and utilization were much harder to predict. Allotment reductions have never taken place, but the continued presence of these provisions in the act has caused unnecessary uncertainties on the part of both State administrators and recipient households.

Last year's legislation removed the formal authorization caps that had been in the law but retained the reporting requirements and, due to a technical drafting error, could be read to require cessation of benefits to households if a supplemental appropriations bill is delayed. The administration's provision would put the Food Stamp Program in the same position that AFDC, Medicaid, and other Federal programs intended to function as entitlements have long enjoyed.

In conclusion, I would like to urge my colleagues to join with me in supporting this critical and long-overdue legislation. It not only honors Mickey Leland, but will ensure that all of the children of America have the opportunity to develop and reach their full potential. I can think of no more important, no more worthy effort for this body to dedicate itself to than protecting the children of this country, our future, against the ravages of hunger.

H.R. 1202

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Mickey Leland Childhood Hunger Relief Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short Title and Table of Contents.
Sec. 2. References to acts.

TITLE I—ENSURING ADEQUATE FOOD ASSISTANCE

Sec. 101. Families with higher shelter expenses.
Sec. 102. Basic benefit level.
Sec. 103. Continuing benefits to eligible households.
Sec. 104. Homeless families in transitional housing.
Sec. 105. Improving the nutritional status of children in Puerto Rico.
Sec. 106. Households benefiting from general assistance vendor payments.

TITLE II—PROMOTING SELF-SUFFICIENCY

Sec. 201. Child support disregard.
Sec. 202. Child support payments to nonhousehold members.
Sec. 203. Vehicles needed to seek and continue employment and for household transportation.
Sec. 204. Vehicles necessary to carry fuel or water.
Sec. 205. Improving access to employment and training activities.

TITLE III—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

Sec. 301. Simplifying the household definition for households with children and others.
Sec. 302. Resources of households with disabled members.
Sec. 303. Assuring adequate funding for the food stamp program.

TITLE IV—IMPLEMENTATION AND EFFECTIVE DATES

Sec. 401. Effective dates.

**SEC. 2. REFERENCES TO ACTS.**

Except as otherwise specifically provided herein, references to "the Act" and sections

thereof shall be deemed to be references to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) and the sections thereof.

TITLE I—ENSURING ADEQUATE FOOD ASSISTANCE

**SEC. 101. FAMILIES WITH HIGH SHELTER EXPENSES.**

(a) REMOVAL OF CAP.—The fourth sentence of section 5(e) of the Food Stamp Act of 1977 (hereinafter referred to as "the Act") (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That the amount" and all that follows through "June 30".

(b) TRANSITIONAL CAP.—Effective for the period beginning on the date of enactment of this Act through September 30, 1995, section 5(e), as amended by subsection (a), is amended by inserting after the fourth sentence "Such excess shelter expense deduction, in the fifteen months ending December 31, 1991, shall not exceed $186 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $323, $265, $225, and $137 a month, respectively; in the nine months ending September 30, 1992, shall not exceed $220 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $382, $314, $267, and $162 a month, respectively; in the twelve months ending September 30, 1993, shall not exceed $245 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $426, $350, $297, and $181 a month, respectively; in the twelve months ending September 30, 1994, shall not exceed $280 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $487, $400, $340, and $207 a month, respectively; and in the twelve months ending September 30, 1995, shall not exceed $335 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $582, $478, $406, and $247 a month, respectively.".

**SEC. 102. BASIC BENEFIT LEVEL.**

Section 3(o) of the Act (7 U.S.C. 2012(o)) is amended by striking "(4) through" and all that follows through the end of the subsection and inserting the following:

"(4) on October 1, 1990, adjust the cost of such diet to reflect 103 percent of the cost of the thrifty food plan in the preceding June, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (5) on October 1, 1991, adjust the cost of such diet to reflect 103 and one-third percent of the cost of the thrifty food plan in the preceding June (without regard to the adjustment made under clause (4)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (6) on October 1, 1992, adjust the cost of such diet to reflect 103 and two-thirds percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4) and (5)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (7) on October 1, 1993, adjust the cost of such diet to reflect 104 percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5) and (6)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (8) on October 1, 1994, adjust the cost of such diet to reflect 104 and one-third percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5), (6) and (7)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (9) on October 1, 1995, adjust the cost of such diet to reflect 104 and two-thirds percent of the cost of the thrifty food plan in the preceding June (without regard to any previous adjustments made under clauses (4), (5), (6), (7) and (8)), as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, and (10) on October 1, 1996, and on every October 1 thereafter, adjust the cost of such diet to reflect 105 percent of the cost of the thrifty food plan in the preceding June, (without regard to any previous adjustments made under clauses (4), (5), (6), (7), (8), (9) or this clause) as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size.".

**SEC. 103. CONTINUING BENEFITS TO ELIGIBLE HOUSEHOLDS.**

Section 8(c)(2) of the Act (7 U.S.C. 2017(c)(2)) is amended in subparagraph (B) by inserting after "following any period" the phrase "of more than one month in".

**SEC. 104. HOMELESS FAMILIES IN TRANSITIONAL HOUSING.**

Section 5(k)(2)(F) of the Act (7 U.S.C. 2014(k)(2)(F)) is amended to read as follows:

"(F) housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless;".

**SEC. 105. IMPROVING THE NUTRITIONAL STATUS OF CHILDREN IN PUERTO RICO.**

Section 19(a)(1)(A) of the Act (7 U.S.C. 2028(a)(1)(A)) is amended:

(1) by striking "$1,013,000,000" and inserting "$1,024,000,000";

(2) by striking "$1,051,000,000" and inserting "$1,066,000,000";

(3) by striking "$1,091,000,000" and inserting "$1,111,000,000"; and

(4) by striking "$1,133,000,000" and inserting "$1,158,000,000".

**SEC. 106. HOUSEHOLDS BENEFITING FROM GENERAL ASSISTANCE VENDOR PAYMENTS.**

Section 5(k)(1)(B) of the Act (7 U.S.C. 2014(k)(1)(B)) is amended to read as follows:

"(B) a benefit payable to the household for housing expenses, not including energy or utility-cost assistance, under—

"(i) a State or local general assistance program; or

"(ii) another basic assistance program comparable to general assistance (as determined by the Secretary).".

TITLE II—PROMOTING SELF-SUFFICIENCY

**SEC. 201. CHILD SUPPORT DISREGARD.**

Section 5 of the Act (7 U.S.C. 2014), as amended by sections 101 and 104 of this Act, is further amended—

(1) in clause (13) of subsection (d)—

(A) by striking "at the option" and all that follows through "subsection (m)," and inserting "(A)"; and

(B) by adding at the end the following: "and (B) the first $50 of any child support payments for such month received in that month, and the first $50 of child support for each month received in that month if such payments were made by the absent parent in the month when due,"; and

(2) by striking subsection (m).

**SEC. 202. CHILD SUPPORT PAYMENTS TO NON-HOUSEHOLD MEMBERS.**

Section 5(d)(6) of the Act (7 U.S.C. 2014(d)(6)) is amended by inserting at the end the following: ", *Provided*, That child support payments made by a household member to or for a person who is not a member of the household shall be excluded from the income of the household of the person making such payments if such household member was legally obligated to make such payments,".

**SEC. 203. VEHICLES NEEDED TO SEEK AND CONTINUE EMPLOYMENT AND FOR HOUSEHOLD TRANSPORTATION.**

Section 5(g) of the Act (7 U.S.C. 2014(g)) is amended by striking "$4,500" and inserting the following: "a level set by the Secretary, which shall be $4,500 through September 30, 1991, and which shall be adjusted from $4,500 on October 1, 1991, and on each October 1 thereafter, to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for new cars, for the twelve months ending the preceding June 30, and rounded to the nearest $50".

**SEC. 204. VEHICLES NECESSARY TO CARRY FUEL OR WATER.**

Section 5(g) of the Act (7 U.S.C. 2014(g)), as amended by section 203, is amended by adding at the end. "The Secretary shall exclude from financial resources the value of a vehicle that a household depends upon to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.".

**SEC. 205. IMPROVING ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES.**

(a) DEPENDENT CARE DEDUCTION.—Section 5(e) of the Act (7 U.S.C. 2014(e)) is amended in clause (1) of the fourth sentence—

(1) by striking "$160 a month for each dependent" and inserting "$200 a month for a dependent child under age 2 and $175 a month for any other dependent"; and

(2) by striking ", regardless of the dependent's age,".

(b) REIMBURSEMENTS TO PARTICIPANTS.—(1) Section 6(d)(4)(I)(i)(I) of the Act (7 U.S.C. 2015(d)(4)(I)(i)(I)) is amended by striking "$25" and inserting "$75".

(2) Section 6(d)(4)(I)(i)(II) of the Act (7 2015(d)(4)(I)(i)(II)) is amended by striking "reimbursements exceed $160" and all that follows through the end and inserting "reimbursements exceed the applicable local market rate as determined by procedures consistent with any such determination under the Social Security Act. Individuals subject to the program under this paragraph may not be required to participate if dependent care costs exceed the limit established by the State agency under this paragraph (which limit shall not be less than the limit for the dependent care deduction under section 5(e)).".

(c) REIMBURSEMENTS TO STATE AGENCIES.—Section 16(h)(3) of the Act (7 U.S.C. 2025(h)(3)) is amended—

(1) by striking "$25" and all that follows through "dependent care costs)" and inserting "the payment made under section 6(d)(4)(I)(i)(I) but not more than $75 per participant per month"; and

(2) by striking "representing $160 per month per dependent" and inserting "equal to the payment made under section 6(d)(4)(I)(i)(II) but not more than the applicable local market rate".

TITLE III—SIMPLIFYING THE PROVISION OF FOOD ASSISTANCE

**SEC. 301. SIMPLIFYING THE HOUSEHOLD DEFINITION FOR HOUSEHOLDS WITH CHILDREN AND OTHERS.**

The first sentence of section 3(i) of the Act (7 U.S.C. 2012(i)) is amended—

(1) by striking "(2)" and inserting "or (2)";

(2) by striking ", or (3) a parent of minor children and that parent's children" and all that follows through "parents and children, or siblings," and inserting". Parents and their minor children who live together and spouses"; and

(3) by striking ", unless one of" and all that follows through "disabled member".

**SEC. 302. RESOURCES OF HOUSEHOLDS WITH DISABLED MEMBERS.**

Section 5(g) of the Act (7 U.S.C. 2014(g)) is amended by striking in the first sentence "a member who is 60 years of age or older," and inserting "an elderly or disabled member,".

**SEC. 303. ASSURING ADEQUATE FUNDING FOR THE FOOD STAMP PROGRAM.**

Section 18 of the Act (7 U.S.C. 2027) is amended

(a) in subsection (a)(1)—

(1) by striking the first sentence and inserting the following "There is hereby authorized to be appropriated, on a calendar year basis, such sums as may be necessary to carry out the program authorized by this Act, which shall remain available until expended: *Provided*, That if funds are appropriated on a calendar year basis, the appropriations for the first such year shall include a transition quarter."; and

(2) by striking the last two sentences; and

(b) by striking subsections (b), (c) and (d) and redesignating subsections (e) and (f) as subsections (b) and (c), respectively.

TITLE IV—IMPLEMENTATION AND EFFECTIVE DATES

**SEC. 401. EFFECTIVE DATES.**

(a) Except as otherwise provided in this Act, the provisions of this Act shall become effective and be implemented on October 1, 1991.

(b) Sections, 103, 106, 201, 202, 204, 205, 301, and 302 shall become effective and be implemented on July 1, 1992.

## NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ASPIN] is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today I wish to report to my colleagues on the coming debate on our national defense. That debate will be shaped by two historic events. The first is the collapse of the old threats posed by Moscow—militarily through the Warsaw Pact and otherwise through the worldwide export of an ideology inimical to our way of life. The second is the war with Iraq.

The Committee on Armed Services has been conducting sustained and systematic examinations of these unfolding events. Our goal in these examinations has been twofold. First, of course, the committee has a responsibility to inform itself in order to propose to the House a bill authorizing the right defense for our Nation. But votes on defense are among the gravest and most important that any Member will cast. So we set ourselves the task of going beyond the detailed, technical matters that so often characterize defense debates to ask the basic policy questions that would enable us to work through these great issues together.

We began more than 2 years ago to approach in this way the momentous changes going on in the Soviet Union. We first asked what this new business of perestroika meant for the Soviet military. At the time, the answer was not much and we said so in a report by the committee's Defense Policy Panel. But it didn't take long for things to change. The committee followed events closely. Members made a precedent-breaking trip to the Soviet Union, seeing military installations no westerners, much less an American, had seen before.

During this period, we saw attitudes in this country change along with events. At first, there was a reluctance to abandon the policies that had guided us for 40 years. Our old policies had kept the old threat at bay for 40 years. Perhaps we could reconsider them in another 40, said some.

To others, the old threat had changed enormously, certainly enough to permit us to deal with it in new ways, smarter and cheaper ways. But it was, nevertheless, the old threat we were dealing with. The fiscal year 1990 and 1991 defense budgets fell largely into this category.

A year ago, we invited CIA Director William H. Webster to testify on the changing threat. The question we asked Judge Webster to address was reversibility. Leaders could change in Moscow and with them the policies they pursued, we reasoned. Could another Stalin quickly reconstitute the threat to Europe that had collapsed with the collapse of the Warsaw Pact? Judge Webster's answer was no. The decline in the threat to Europe posed by the former Eastern bloc was irreversible. It was watershed testimony and not welcomed by all.

Defense Secretary Cheney greeted it with open and public skepticism. And, in fact, the circumstance that worried us all—the retreat of the reformers in Moscow—may be happening. I am happy to note, however, that Dick Cheney has changed his mind about the reversibility of the threat from the Soviet bloc. In testimony before our committee this year, the Secretary pronounced the Warsaw Pact dead.

We didn't have much time to celebrate our victory in the cold war. Saddam Hussein reminded us that—sadly—history was not over. His brutal invasion of Kuwait triggered revulsion and, to the surprise of many, action. President Bush put together an international coalition to oppose the invasion.

The committee responded to the invasion with a series of hearings built around the three main avenues for resolving the crisis in the Persian Gulf: Economic sanctions, diplomacy, and war. Throughout December, as Saddam's grip on Kuwait tightened, we listened to regional experts, military experts, former diplomats, and government leaders.

I believe, Mr. Speaker, that these hearings gave the House an examination of these issues unmatched in any other forum. At the end of these hearings, I published three white papers individually dealing with the three means of resolving the crisis. They had two purposes. First, my intention was to help inform the debate on these questions then going on in the House. Second, since I had reached firm conclusions myself, I wanted to express them. Therefore, I made plain that these papers represented my views and not the committee's. I reluctantly concluded that the economic embargo contained in the U.N. sanctions against Iraq would not force Saddam from Kuwait. I concluded that in diplomacy was our best chance to resolve the crisis without war. And finally, I concluded that if Saddam left us no other choice, we should go to war.

I reached this final, grave conclusion for three reasons. First, there was the magnitude of problems posed by Saddam Hussein. He threatened to place himself in a position to control the economic welfare of the industrialized world through virtual control of all the Persian Gulf's oil. Second, he threatened to attain nuclear weapons and other means of mass destruction. Third, he threatened to teach the new, post-cold-war world that aggression pays. By itself, none of these three elements would have been worth going to war. Together, it was a different story.

My judgment was that our forces, allied with the other members of the anti-Iraq coalition, could liberate Kuwait with a minimum loss of allied lives. This put me decidedly at the optimistic end of the spectrum of opinion. Allied casualty figures in the tens of thousands were predicted by many experts.

In fact, the performance of our forces and their allies has far exceeded anyone's predictions, mine included. I want to pause here a moment, Mr. Speaker, to pay tribute to the men and women who have won this great victory. Their bravery, their intelligence, their competence, and their dedication have carried the day.

Too often we focus on the things that go wrong in our enormous undertaking to provide for the national defense. Today we can proudly acknowledge that our men and women in uniform have performed brilliantly.

And it does not detract from that performance to note that this House and the Congress played a part in providing them the tools to win this war. I'm not thinking here so much of tanks and planes purchased for the Armed Forces. I'm thinking of the Goldwater-Nichols Act. That legislation provided the direction and the means for the services to work together in a way that seemed to have escaped them in all the years since World War II.

In Desert Storm, an Army operational commander presided over a massive—and massively effective—air campaign that thankfully allowed our ground forces to roll up a demoralized enemy with minimum casualties.

Which brings us to where we are today. How are we to understand these momentous events and what they mean for our national security? Many of the old threats are gone and our defense establishment is going to shrink. But Saddam Hussein has demonstrated that it is still a dangerous world. The question before us is how to match our real strengths to the real threats we face in this new era to get a defense that fits our nature.

The Committee on Armed Services has begun a series of hearings designed to begin answering this central question.

Judge Webster has agreed to return to the topic of the Soviet threat, particularly in light of the fact that Mikhail Gorbachev's most forward-looking reform policies do seem to be in

retreat. Additionally, we will hear testimony from the CIA on potential threats elsewhere.

You will recall, Mr. Speaker, that during the long budget agreement negotiations, Secretary Cheney suggested what we've come to call the 25-percent builddown. That has become shorthand for the shrinking of our forces in the face of a declining Soviet bloc threat. We have identified five vital categories of spending that should tell the story of the build down. They are force structure, readiness, overhead, equipment modernization, and research and development. We have asked the Congressional Budget Office to examine the Defense Department's 5-year spending plan and tell us what they have learned about the build down implicitly and otherwise.

We will also be asking the Department for a better understanding of the base force of the future that Secretary Cheney and Joint Chiefs of Staff Chairman Gen. Colin Powell sketched in briefly for us. We'd also like to know what lessons of the Iraq war are now being factored in.

As I mentioned earlier, Goldwater-Nichols seems to have paid handsome dividends. We plan two hearings to explore the implications of the fact that for perhaps the first time since World War II, all of our services are fighting the same war at the same time. One of those hearings will tackle the basic question of whether the present allocation of roles and missions among the services will continue to provide the right defense for the future.

One of the raging debates in the defense community for the last decade could be capsulized as military reformers versus the Pentagon. Military reformers have generally favored more innovation in tactics and less sophistication but greater numbers in weapons. The Iraq war is being touted by some as the vindication of high technology. We'll ask in a hearing what the lessons really are for this continuing debate.

In that same vein, some people have been surprised that these high-technology wonders worked at all, so used are they to stories about weapons failures. We'll probe to discover what worked and why, and try to get at why some are shocked that anything did.

One of the high-technology wonders that worked was the Patriot missile. It knocked Scud after Scud out of the sky. We'll want to know what this ballistic missile success story means for SDI. We'll also want to acknowledge that while that was the good news about the Scuds, there was bad news, as well. We had a devil of a time finding them on the ground in a relatively small corner of Iraq. What does this mean for our ability to use the B–2 to find mobile missiles in the Soviet Union? We'll have a hearing to explore that question.

Another great success story of the war was the people who fought it, our men and—to a greater extent than ever before in our history—our women in uniform. Our senior military leaders have repeatedly said the All Volunteer Force was producing the best quality force in their memory and Desert Storm proved it. But questions have arisen about the future. Some are asking how the Iraq war will play at the recruiting station. Will our bright young high school graduates hesitate when it seems that the job skills they want from the military will be tested on a real battlefield? We intend to examine recruiting in light of the Operation Desert Storm experience.

The war has raised anew another nagging question about the All Volunteer Force: Does such a force necessarily mean that the poor and minorities bear too much of the burden defending our country? We've again asked the Congressional Budget Office to examine the racial and economic makeup of the force to see what that might suggest for the future.

We will examine the operation of the total force policy for employing combat forces from the Reserve components. We will ask if it is really possible to expect early deployment of combat Reserves and what this means for the future mix of Reserve and Active Forces.

As you can see, Mr. Speaker, we have a full agenda. We invite the help and attention of our colleagues as we work together to find a defense that fits our future.

## ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I had intended to use most of my time and my colleague, the gentleman from New York [Mr. SOLOMON] is going to have a much shorter special order. I did not even ask the gentleman, but out of courtesy, I ask unanimous consent to let the gentleman change the order of business with me.

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Is there objection to the request of the gentleman from California?

There was no objection.

## ALL VOLUNTARY MILITARY SERVICE

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from California, one of the outstanding Members of this House. I have had the privilege of serving with the gentleman on the Foreign Affairs Committee for many, many years. He is truly one of the great Americans in this body.

Mr. Speaker, speaking of great Americans, we have all been thinking and speaking a lot recently about those great Americans, our volunteer enlisted personnel, now serving in the Persian Gulf and around the World. Our armed services have relied on an all-volunteer enlistment for almost two decades now. Yes, it has been almost that long since we relied on the draft.

At the time when we shifted from the draft to an all-volunteer service, there was understandable concern that, frankly, it was not going to work.

Well, it is now clear that the all-volunteer Army, Navy, Air Force, and Marines, have not only not failed, but are working out far better than anyone could have ever believed back then. Just look at Operation Desert Storm and what is happening today. Those young men and women from all of the branches of our armed services are the best trained, best equipped, most motivated, and patriotic young men and women that I have seen in a long, long time.

Mr. Speaker, we have to be honest. It was not always this way in the short history of the all-volunteer military. Just 13 years ago pay and benefits in our military were so bad that many of our servicemen's dependents had to subsist on food stamps. How degrading that was for those young people who wanted to serve in the defense of our great Nation. We lost many of our brightest young men and women to the higher paying private sector and, frankly, we just did not have a real cross-section of America serving in our Nation's defense.

Can anyone imagine that force, that All-Volunteer Force of just 13 years ago, doing in the Persian Gulf what our troops today are just finishing?

One of the most important factors in military success on the battlefield is good morale among the troops, the kind of great morale we saw in the Persian Gulf today, but surely did not see 13 short years ago.

So, what has happened? What brought about this tremendously impressive change in our military?

We all know the answer to that question. This Congress and President Reagan joined together to raise pay scales and benefits for our troops to the point that they did not have to choose between serving their country and providing their families with a decent standard of living. We gave them a peacetime GI bill, and with it the promise of a better career after they and their families had left the military. In short, we met our commitments to our troops, and today, God bless them, they are meeting their commitments to our Nation.

Mr. Speaker, while it is easy to see the direct connection between good troop morale and adequate pay and benefits, it is not so easy to see their connection to the ability of our armed services to recruit fine, young men and women for our all-volunteer military today. We are able to enlist such promising volunteers mainly because our military recruiters have traditionally been able to go on to high school campuses and inform these young men and women of the opportunities, the great opportunities, that the all-volunteer miltiary offers today.

Mr. Speaker, I am here today not only to point out this important fact, but to alert my fellow Members of Congress that this access to high school campuses, so vital to the success of our all-volunteer military, is now under attack by some school boards in this country of ours. I say with the greatest

regret that some school boards have in fact gone out of their way to obstruct our military recruiters' access to their campuses.

I have seen the resolutions adopted by such school boards in California. They not only attack recruitment for voluntary service in the military, they seem to attack the very idea of the Armed Forces, whether manned voluntarily or through a draft. These school boards obviously see spending on defense as the root of all evil, and more or less say that in the resolutions they have adopted. That is what they seem to infer. To my mind, the language employed in these resolutions is absolutely outrageous. Rather than viewing the pay and benefits provided to our troops as something that allows them to serve their country and still have an adequate standard of living and a subsequent career in the civilian sector, one of these resolutions instead states that such benefits are only a lure, for young people to join the Armed Forces.

□ 1310

Another of the resolutions claims that, despite the recent congressional debate and authorization of the President's use of military force to liberate Kuwait, the President failed to let the Congress do just that.

Mr. Speaker, that is simply false, and we all know it. As far as I am concerned, the members of school boards such as these who support such resolutions are simply opposed to the existence of our Armed Forces. I believe the efforts to stop military recruiters in arranging talks and meetings on campuses are just another part of their long-term, antidefense campaign.

Mr. Speaker, it was not so long ago that the U.S. Congress passed and the Supreme Court upheld as constitutional, the legislation that I introduced on the floor of the House to deny Federal educational benefits to those young men who failed to register for service if needed in a national emergency. In the test of that program, which is now working so well, the courts held that such benefits are not a constitutional right, but a benefit provided by the taxpayers of this Nation.

Mr. Speaker, I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I would like if I could just to share this special order with the gentleman from New York [Mr. SOLOMON] because it is my State that he is talking about. I am ashamed, disgusted with this type of thing. It started with the city of Arletta up north declaring themselves a safehouse or a safe zone for deserters.

Mr. SOLOMON. That is right.

Mr. DORNAN of California. They said draft dodger, but of course there is no draft; there never will be in the foreseeable future. The gentleman and I both know that.

We have too successful a volunteer army.

Well, that entire city council is now under a recall. The townspeople went absolutely ballistic at the thought of their town being so disgraced. Arletta has a great Navy history. It used to be a Navy station there during World War II, and that is where they worked out ILS, instrument landing system, because they have such—I think it is the second foggiest county in the United States.

Well, the fog in their brains is not like the clear fog that rolls in there in the nighttime because the people rose up and had the whole city council, within 48 hours, reverse its asinine safe-city-for-deserters thing. Most of them went on camera and apologized profusely.

Now we have San Francisco declaring itself a safe city for deserters. I think they are in the process of rescinding that. If they do not, our colleague, the gentleman from California [Mr. GALLEGLY], has a bill in to deny them all Federal funds until they reverse this insult to our men and women serving throughout the world.

But now comes the school board—I did not know it until the gentleman told me this, and I am an immediate instant cosponsor of the gentleman's legislation, I am with him on this resolution—Oakland, and what is the other school board, San Francisco itself?

Mr. SOLOMON. Yes.

Mr. DORNAN of California. San Francisco, adding insult to injury, they want to make their city safe for deserters, of which we have hardly zero. I think we could count them on one hand for this Desert Shield and Desert Storm operation or Proven Force in the northern border of Iraq.

It is just so depressing. Here is what I want to do, I want to add to the gentleman's remarks.

This morning, I kept the TV's on, CNN on one set and one of the networks on the other. I happened to have CBS on. I am awakened early this morning by Dan Rather's voice about 6. He is in Kuwait City. Given the time difference, it is late morning there, but it looked like early morning because of the oil smoke combined with the early morning mist. This is what he said, and as groggy as I was, I think I pretty well memorized it. He said, "I can't say enough about the professionalism of these young men and women. You know, I had two younger journalists," now brace yourself, I say to the gentleman from New York [Mr. SOLOMON], "come up to me and say, 'You know, I thought our military services were for people who couldn't do anything else, but I really had to relook at this. It has turned me around.'"

Then he says, "Another young journalist came up to me and said, 'I thought people in the military were usually losers. But I guess I was wrong.'"

Well, I will tell you, there is not a single journalist job in this country that is as good as being a commander of an Abrams tank or being a gunship pilot on an Apache or a Marine Corps gunship. It sure as heck is not equal to being an F-18 or a Harrier pilot or an A-6 pilot or a Tomcat pilot or an F-111-E or F pilot, or an F-117 Stealth pilot or a B-52-G bomber pilot, certainly not equal to being an F-15 Eagle pilot or an F-16 Falcon pilot. I hope I have not left anybody out, because I watched them all refueling from the sky just a few days ago. This is the finest force of male and female enlisted, NCO, and officer personnel that we have ever fielded.

When the film starts to come in, not only of our marines rapelling on the roof of the American embassy and like the great coalition forces like the Brits rapelling from their helicopters down to retake a British embassy, but the professional and courteous way they handled the press, referring to everybody as "Sir," the way they handled these prisoners, stroking their faces, trying to clean their facial wounds, telling them to calm down, that they would not be hurt, and then feeding them.

And of course, they are no different than the people in Vietnam. They were not all druggies.

Do you know what Regis Philbin said this morning? He is a conservative, he has to keep it in the closet most of the time because of the weirdness of television. He comes on and he turns to his lovely cohost, Kathy Lee, and he says, "You know, Hollywood is going to have to eat a lot here." This is Notre Dame-Regis Philbin, my pal; he says, "What has Hollywood been telling us for 20 years? In every movie they have put out? Except for something like 'Red Dawn,' 'Hunt for Red October,' things like that, things like John Milius produces like 'Flight of the Intruder,'" he said, "In most films the officers are portrayed as blustering fools, the NCO's are psychos, and the enlisted people are drug addicts."

You had better believe Hollywood is going to have to write some new scenarios and scripts. Wait until we learn about the Special Operations people bailing out at night all over the place to secure roads and bridgeheads and to observe the traffic up and down the Baghdad road.

We, through the gentleman's resolution, are going to wake up Oakland and San Francisco school boards because some of the finest young men in this country, not as careers either, but to spend a productive 4 or 5 years, like the young lady I talked to in one of the intelligence units last week over in Turkey. She said, "I only planned to spend 4 years in. I thought it was the best way I could serve my country before

college. Now I am staying on as a civilian technical adviser for some of these complicated computer operations that intelligence people use."

Now, I commend my marine colleague, the gentleman from New York State [Mr. SOLOMON], for again taking the lead as he has on all of these issues where students try to avoid—on Federal loans, that was the best that the gentleman mentioned—Federal loans, some of them ducking these loans and refusing to register for maybe a major conflict to serve the country, where the country might need them.

I do not know when we are coming back again; I believe it is next Tuesday; but let us circulate this and get about 218 signatures very quickly to send a message to that beautiful city named after St. Francis of Assisi and its sister city across the bay, and get their heads straight.

They ought to be hanging their heads in shame, the way even the Dan Rather's are coming around to realize they were wrong about the quality of young people serving, and as far as the officer corps, every one of them from Colin Powell to Norman Schwarzkopf, they all received their training in Vietnam. These are the same officers who took it on the chin who are now the commanders in Desert Storm and Proven Force.

This country is behind them, and we are going to see parades when they come back. And missing man formations overhead.

We had better get those prisoners back, too. They are going to tell stories that will curl the hair of the Oakland and San Francisco school board members.

God bless the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Let me thank the gentleman for his extremely cogent remarks. I know the gentleman was over in Saudi Arabia just after I was there. I had the opportunity to talk with some of our troops, with a real cross-section of America, and let me tell you, we can all be proud of these young men and women.

You know what? It did not matter whether they came from the Bronx in New York, or from Ohio or California. Almost every one of them had signed up for the peacetime GI bill and where looking forward to completing their higher education after serving their Nation in the Armed Forces. That is why I became so upset when I read these resolutions by the Oakland and San Francisco school boards that say that no directory information may be given to the military forces of the United States or any State, National Guard, or Reserve unit. The recruiters cannot even come on the campus and sit down alongside recruiters from IBM, GE, and other corporations and offer career guidance to these young people. They are simply banned. That is why I am introducing this legislation now that says that any school district that denies our armed services access to the campuses for voluntary recruitment purposes will be denied the benefits of Federal loans, Federal grants, or Federal funds.

□ 1320

In fact, I will be introducing that legislation in a few, short minutes, and let me say, Mr. Speaker, that I believe that this bill is critical to the maintenance of the tremendously successful, all-voluntary military force we see so victorious in the Persian Gulf today.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, do I understand the gentleman to say that there are school districts in the country that do not permit our military to come on their campuses for recruitment purposes?

Mr. SOLOMON. I do indeed say just that. These two school districts have passed resolutions to effectively ban our recruiters from coming on their campuses. Worse than that, the resolution by the Oakland School Board urges other school districts across the country, let's say districts in your State and in my State of New York, to do the same thing. They go to say, "Further be it resolved that the board of education encourages parents, students and school employees to attend the national mobilization against this war in the Middle East on January 26, 1991."

I have to say that's a disgrace.

Mr. WALKER. Mr. Speaker, if the gentleman would yield further?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. In other words, their response to the brave young men and women who did such a magnificent job in the Middle East is to say, "We don't want to be able to recruit other young men and young women to do similar kinds of jobs in the future."

The gentleman knows the thing that has impressed me, I think as much as anything else, is watching this war on television and seeing these people who are privates and corporals; as my colleagues know, well down the military ladder, who come on and talk on television, and they are as articulate as we would ever want to hear young people be. I mean we have absolutely tremendous young people who have sacrificed a portion of their lives in order to serve their country, and I agree with the gentleman from New York [Mr. SOLOMON].

Mr. Speaker, it is appalling if we have school districts in this country who are suggesting that that is a less than honorable thing to do and do not want the schools to be used as a place where military recruiters can come and at least tell young people about the opportunities that are available to them in the military.

I certainly hope that the gentleman's legislation will be taken up immediately. It seems to me it is a pretty good vehicle for a couple of amendments along the way here on the House floor, and we will find out how some of our colleagues feel about this issue, but it is absolutely incredible to me that we should even have an issue like this arise, and I thank the gentleman from New York [Mr. SOLOMON] for his efforts.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Pennsylvania [Mr. WALKER] for his remarks, and let me yield to my distinguished colleague who serves with me on the Committee on Rules, a very distinguished Member of this House, the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], and I thank him for taking the lead on this issue.

Scriptures tell us that greater love hath no man than to lay down his life for a friend. There is no one in America today, indeed there is no one on the planet today, that we should honor more than those men and women who wore the uniform of the allied forces to end the raping, and the pillaging and the murder that was going on in the Middle East.

Last evening the television broadcasts in Israel began with these words: "God bless America." Indeed we would not be celebrating the peace that we have unless men and women were willing to wear the uniform, and for school teachers anyplace, for any school board member anyplace, to even think about living in this free land and turning their back on those who are willing to defend us and keep us free is the utmost expression of contempt, and, indeed if they had any self-respect, they ought to resign. They should not be in a position of authority, in a position of leadership, before our children. If their value system is such that they respect rape, murder, pillage and killing, more to peace and freedom.

Mr. Speaker, I remember the conversation here on the floor where some people were talking about where we had moved in to end that sort of carnage that was going on, when some people said that it brought tears to their eyes that America would move in such a manner. I do not know how anyone could watch the faces on television last night of those people that were freed, as they stood there trying to explain it and the tears rolling down their cheeks. "Thank you, thank you for America," and even Dan Rather was choked up understanding the fact that what freedom really means to people that had it denied them.

If there are going to be tears shed, it should not be tears shed because Amer-

ica came to their defense. The tears should now be shed for the rejoicing that the raping is ending, and that the killing is ending and that indeed a nation is once again freed.

A recent leading ambassador in the Middle East said to me within the last 24 hours: "Never before has the United States been in such a position of leadership in the Middle East. It has the utmost respect and admiration of the Arab world, as well as of the Jewish world. It has the trust of the leadership of the Arab world, it has the confidence of the Jewish world, because of what America did in this crisis."

President Bush's words are inadequate to communicate the tremendous capacity that he expressed in this manner, and indeed we should honor him for it, and I thank the gentleman for this resolution, and I just point out again how frightening it is of those on the left that do not appreciate freedom, who do not respect democracy, who do not teach our values and even have contempt for what we are doing. I thank the gentleman from New York [Mr. SOLOMON] for his leadership on this, and I shall have much more to say before the day is out.

Mr. SOLOMON. Mr. Speaker, I deeply respect the opinions of the gentleman from Ohio [Mr. MCEWEN], and I thank him so much for his remarks. I would just like to say that one reason I am here today on the floor speaking about how I am going to introduce this legislation, making it clear that Federal aid would be cut off, is that I came from a small town. I know that often at school board meetings only 10 to 15 people show up. I know that school board members can often be elected by maybe 15 or 20 people out of a voting population of several thousands, and I want to send the message to the people back home, to let them know that such resolutions are being pushed by some school board members, and that if they have school boards that are passing this kind of legislation, they ought to stand up and throw them out or they are going to have their Federal aid funds cut off.

Mr. Speaker, I am glad to announce that I have the bipartisan sponsorship of my colleagues, the gentleman from Louisiana [Mr. TAUZIN] and, of course, of the gentleman from California [Mr. DORNAN] who just spoke a few minutes ago.

Mr. Speaker, let me just sum up by saying that this bill is critical to the maintenance of the kind of tremendously successful, all-volunteer military force we see so victorious today in the Persian Gulf. It's critical to keeping that force ready, keeping it prepared for victory again, if necessary, at some time in the future. I would invite all of my colleagues on both sides of the aisle to join the gentleman from Louisiana [Mr. TAUZIN] and myself in a bipartisan effort to enact this legislation, which will do so much to maintain the morale and preparedness of the victorious Armed Forces we see today.

Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for stepping aside to allow me these few minutes to introduce this legislation.

## JUDGE CLYDE BROWN WELLS

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, tomorrow in my congressional district the new Choctawhatchee high-rise bridge will be opened and dedicated to the memory of Judge Clye Brown Wells of De Funiak Springs, FL. The Florida Legislature rightly has named the bridge in his honor. He was a good friend of mine and thousands of others.

Judge Clyde Brown Wells was born and raised on a farm in northwest Florida. He graduated from Chipola Junior College with an A.A. degree, Florida State University with a B.S. degree in government, and the University of Florida College of Law with a juris doctorate degree. Clyde B. Wells was a United States Army veteran who served in the Korean campaign and was decorated. He had the Presidential Unit Citation, Good Conduct Medal, and the Commendation Medal.

Judge Wells was admitted to practice in all Florida courts and the U.S. Supreme Court. He served as assistant State attorney and represented various county and city governing bodies.

He was serving his 17th year as circuit court judge for the first judicial circuit, comprised of Escambia, Okaloosa, Santa Rosa and Walton Counties, when he was accidentally killed. For this position, he ran and won a contested race and was never again challenged for the judgeship.

Judge Wells was an avid outdoorsman and strongly believed in conservation of our natural resources. He pursued the hunting of birds and quail in the fall and winter months. He was a rosarian from February through November, holding membership in the Mobile Rose Society. He took an active part in city and county civic projects. He held active membership in the chamber of commerce and Lions International. He took a special interest in the athletic program at Walton Senior High School, hosting social events for the football team. His support and encouragement led numerous youths, who might never have done so, to go on to institutions of higher learning. As an avid Gator fan, he spotted potential talent for University of Florida recruits.

Clyde Wells was a strong advocate of child welfare, always placing children who came before him in the best possible situation, unswayed by emotional appeals. A favorite volunteer service was reading to children's groups at the public library and always in his home.

Judge Wells had a deep devotion to family, even his extensive, extended family, friends and acquaintances, giving unreservedly of his time, energy and legal expertise to all who sought it. At the same time, he expected that his help would be returned, not in gratitude to himself, but in responsible citizenship.

Clyde Wells enjoyed people, often hosting a party for the bar, the local football team or the Florida Gator Boosters at his home.

Judge Wells' strong belief of law and order has brought him respect throughout the State, and his keen sense of humor made him a popular after-dinner speaker.

Clyde B. Wells is survived by his wife, Esteena Kry Wells, one son, Kelvin Clyde Wells, who is presently employed with the State's attorney in Shalimar, FL, and a daughter, Kelly Elizabeth Wells, who is a senior at the University of Alabama in Tuscaloosa, AL. The Wells family resides in DeFuniak Springs, FL.

LeDon Anchors summed it up best when he said,

> Judge Wells' infectious sense of humor made the legal system run better for he always reminded us that none of us were quite as important as we thought.

It is fitting that the Clyde B. Wells Bridge across Choctawhatchee Bay stands as a tribute to one who did so much for his family, his community, and his Nation.

## UPDATING A LATE TOUR OF NATO BASES

The SPEAKER pro tempore (Mr. EDWARDS of Texas). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I was out of the country for 11 days and just got back last Monday. I was doing a tour of NATO bases as a member of the Armed Forces and the Intelligence Committees, moving closer and closer to the gulf operation. Unfortunately, I was not able to get to Saudi Arabia because there is an embargo upon Members of the House and the Senate going there except in very small, select groups. This is a policy that our Secretary of Defense, Dick Cheney, implemented, and which I completely support. When the news media whines and complains about some of the restrictions on them, they ought to be advised that we elected Members of Congress also have restrictions imposed on us. It is proper when there is a war going on. I expect the embargo on Members will be lifted within hours, if it hasn't been already.

However, I was able on my NATO trip to get to a forward operating base, a combat base involved in supporting our efforts in Desert Storm. This was a totally separate operation supported by U.S. Air Forces in Europe, USAFE. It even had a different operational name. It was called Operation Proven Force, and the story will be released on this soon.

What an incredible adjunct this was to central command, whose principal air assets are drawn from our Navy carriers and from the Tactical Air Command, in which I served three decades ago here in the United States. And glorious has been the performance of all these commands. But USAFE contributed in the north and I believe was responsible for flushing out all of the remaining Iraqi fighters into Iran, where they are probably confiscated forever.

I will mention some of the excellent things that I learned on this trip. I had an opportunity to fly the F-16. Being a Congressman and a one-time Air Force fighter pilot is not all painful. You are still a brother of the flying fraternity. I flew at Spangdahlem, which is the only Tactical Air Command wing in the world that has a hunter-killer operation using aging F-4-G Wild Weasels, which hunt enemy SAM radar sites.

Anybody who is interested can see in our popular culture a movie called "Flight of the Intruder," directed by John Milius, one of our rare conservative directors. The Navy used to call this SAM missile site and missile radar hunting operation Iron Hand. We called it Wild Weasel for almost the entire course of the Vietnam war. The Air Force still uses that term, but in this case there is the older F-4-G Wild Weasel, and there are only two wings. One is at George Air Force Base in California where I flew most of my Air Tactical Command years. The second is at Spangdahlem, Spangdahlem sent down units both to the Saudi area of operation and to the northern Proven Force area of operation. These units fly the F-16. Their squadrons are mixed with F-4-G's and F-16-C's and D's. They fly as a hunter-killer team with the F-16, which has augmented firepower with HARM missiles, another one of the technological wonders. In Vietnam we used Shrikes. These have evolved into the HARM which is built by Texas Instruments. This weapon really gives total security to our aircraft in the skies, particularly our bigger aircraft, the B-52's, the G's, A's, and EC-130's, and our bigger helicopters. All of them are secure once we shut down these enemy SAM sites by ramming one of these HARM missiles right into the radar.

Although we did not blow up too many radars it accomplished the objective, because once a few had been destroyed, the Iraqi radars would only come up for a few seconds. The Iraqis would launch a blind missile and then switch on their radar in the last few seconds in an attempt to control the missile. It never worked. Whether shut down or blown up, the result is the same. And that is why, after the sixth or seventh day, when we stopped the low-level operations, both with the Italians and the British and our own Navy A-6 Intruder and other aircraft, we went up to higher bombing altitudes. We had the security then of no SAM missile threat.

So when the Spangdahlem wing and the George Air Force wing sent F-4-G's or Phantom II's to the southern operation, they really did themselves very proud by accomplishing their given mission to control all of the Soviet-supplied SAMs. They had older SAM's. The Iraqis had 2's and 3's, Vietnam era 4's, 6's, 7's, 9's, 10's, 12's—missiles that the average American has never heard of. All of the refined Soviet equipment was in there, and none of it worked. Out of the handful of airplanes lost, there is one suspected SAM hit, and we are not even too sure of that.

Before I move on, let me mention some other things I did on my trip, including flying an aging F-104 Starfighter, the airplane that my squadron at George received in the spring of 1958—that is obviously 33 years ago. That plane is still being flown by the Italian Air Force, and I was lucky enough to fly with one of their top test pilots at Prictica del Mar. That is their version of the Edwards Air Force test base. It is down on the Tyrrhenian Sea, just south of Rome. It was there that I had a chance to learn something about an Italian pilot, the best Tornado pilot in the Italian Air Force, who disappeared on the first night. His weapons system officer in the back seat turned up beaten on television during those first few horrible days when the Iraqis were parading POW's.

Before I go further and discuss our POW's, let me clean up a few things, Mr. Speaker, about this war. This is my first chance in almost 2 weeks to get some things off my chest. Here is a cute little cartoon. It says, "Entering Iraq, home of The World's Fourth Largest Army." The four has been scratched out. Then there is a five and it has been scratched out. A six is x'd out. Then a seventh. I think we can now scratch out the seven and put "no army worth mentioning." It is a cute cartoon, and it makes a good point.

This was a formidable threat when we first went into that area. Some of the Turkish officers told me that they were quite sure—and this was about 5 days ago—that the Iraqi Army, Saddam's army, was no better than his air force, that they were a hollow army and we would cut through them like a hot knife through butter. That certainly turned out to be the case.

□ 1340

Mr. MCEWEN. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I will be glad to yield to the gentleman from Ohio, who I last did a special order with about 2 weeks ago, before I left on this trip. I have gotten a lot of mail on that special order.

So if you are ready to go at it again, BOB MCEWEN, so am I.

Mr. MCEWEN. Well, we said then that being a liberal means never having to say you are sorry.

Mr. DORNAN of California. Or that you are wrong.

Mr. MCEWEN. That is right. So we have gone through a whole series of explanations. The latest might be of interest to you, and that is that recognizing that in this, the greatest battle in which America has been engaged since World War II, one of the greatest battles in the history of warfare, the United States of America did not lose a single plane to an enemy plane, did not lose a single tank to an enemy tank, and we cannot calculate, somewhere between 3,700 and 4,600 tanks have been destroyed. I repeat, the United States did not lose a single tank to an enemy tank.

Now, that says a whole series of things which were right. No. 1 is that when we began to build up our military in the 1960's, that Cap Weinberger and Ronald Reagan and those in the Congress that supported it were correct.

That means that Phil Donohue and the Gary Harts and the others on the left that said that we should not make this kind of investment because it is too complicated and would not work, were dead wrong.

At some time I would just like to see people grow in stature, just as we have seen George Bush become larger than life as he has been able to perform, we would like to see those who opposed the M-1 tank, who opposed the investment in the night-seeing goggles, so that when Saddam Hussein created the fog of war before the war began, that we could see through the fog and kill the finest tanks that the Soviet Union had to offer.

God love him. One person you have to feel sorry for today is the salesman for the Soviet T-72. There is not a spot on the globe where anyone is foolish enough to purchase Soviet weaponry, because compared with American technology, the investment of the Reagan administration under the leadership of George Bush has proven that when tyranny is on the run, that when democracy and freedom are challenged, that America will stand by its commitment and use what has been the best.

Mr. DORNAN of California. Amen.

Mr. MCEWEN. What you have said is the reason I interjected here, is because the left, God love them, they never can confess when they have made

an error and they cannot grow in the stature of saying I was wrong.

Mr. DORNAN of California. Admitting a mistake is a true sign of bravery.

Mr. McEWEN. Now they are walking around here today and saying, one dear Senator from the Northeast said that it shows that the CIA was wrong. Their army was not nearly as strong as we thought.

The truth of the matter is that General Schwarzkopf's plan, using the A-10 tank killers, using the B-52's which because we do not have a B-2, we had to use the remnants from the Eisenhower administration in order to pound the Republican Guard into oblivion, so that when we went across the border, we then did the mop-up and cleanup.

George Bush was absolutely right. When everyone was standing around here saying no, no, no, no, no, leave the troops in the desert, let them die in the sand, let them sit there for 6, 8, 10 months. We have valentines we want to send to Saddam Hussein. I am sure that sometime in September or October he will come out and say, "Oh, I surrender. I withdraw because of the sanctions."

Mr. DORNAN of California. The policy amounted to letting more Kuwaitis be killed.

Mr. McEWEN. George Bush was absolutely right to draw a curtain on the death and the killing and the murder that was going on. Even as late as last week, when the Soviet Union was doing all within its power to save their cash cow in the Middle East, doing everything possible to save Saddam Hussein's hide, so that he could begin pumping those petrodollars back through the Soviet machine, so he could rearm with nuclear-tipped Scuds this time to send toward Israel and drive it into the sea, as they pledged, and attack America, as Saddam Hussein said 2 years ago, "If I had one missile, I would hit America."

That is what Mikhail Gorbachev worked 24 hours a day last Tuesday, Wednesday, Thursday, and Friday at, trying to save Saddam Hussein's hide.

And God bless George Bush, who walked up there and said, enough of this. We don't negotiate with the Soviet Union. They haven't contributed one ruble, they haven't shed one drop of blood. They are not involved in this negotiation. The United Nations set down the terms. Saddam Hussein can read. He can listen to CNN. He knows what they are. And when he talks to me, by noon Saturday, he can then get off. But if he doesn't, he is going to meet the consequences.

Those same people that were dead wrong about the air war, then went on nationwide television to lecture their advice, having been wrong in the beginning, having been wrong in August, having been wrong in January, they then come up on last Friday to come lecture George Bush on what he should do.

George Bush said, it is time to draw the curtain. It is time to end this. Before Congress goes home next Thursday, let us get this thing finished. Let us stop the raping and the killing and the roundup and the murder. Let's give peace a chance, let's give freedom a chance. Let's let the boys come home. Don't yell at me about the mail. We are not interested in sending them mail, we are interested in having them come home, sit on the couch with their wives and with their parents and tell how it was, enjoy the victory parades and celebrate peace.

The most important thing about all of this is that every time someone went to negotiate with Saddam Hussein, I don't care if it was a "step and fetch it" for the Soviet Union, I don't care if it was some Middle East ambassador, I don't care if it was some Muslim mullah. I don't care if it was a representative of the foreign ministers of the European Council, or even the General Secretary of the United Nations himself. Every single one of them got the same answer from Saddam Hussein. "I saw America. I saw Vietnam. I know they can't stick it. I have listened to the reports. If you throw a little trouble their way, they will collapse."

They did not bank on George Bush. They did not bank on a President that said when we make a commitment, we are going to go all the way, give it all that we have, and we are going to wipe that off of your face.

Ladies and gentlemen of the Congress, this world is significantly safer today than it has ever been in the last 25 years.

Mr. DORNAN of California. Amen.

Mr. McEWEN. No longer will any dirty little mad tyrant think about overrunning a neighbor and then boast because America will not act as it did in Vietnam. Any little dirty tyrant that wants to go in and rape and pillage a neighbor that is a friend and ally of the United States will remember that 4,600 tanks wiped out in less than 45 days is a significant action. And it did not happen by accident, for those who took the well today and said obviously they weren't very strong.

Mr. DORNAN of California. I hate that line.

Mr. McEWEN. It happened because we had the technology and we had the people. There are four categories of mental capacity that we judge people in the Armed Forces. Less than 2 percent are in category 4. These are bright, capable, dedicated, patriotic men and women, that are keeping the peace today.

Mr. DORNAN of California. Mr. McEWEN, I hope you can stay for most of this special order. I will break it up into segments. You have already touched on George Bush.

Let me read from a commentary yesterday and get your observations on this.

This is Ken Adelman:

> Before Washington returns to normalcy—with postwar Gulf planning, resumed budget tiffs, and opening salvos of the '92 election—let's pause to wonder at President Bush. "Mr. Lincoln astonished us all," said his personal secretary, John Hay, after the Civil War ended.

And Mr. Lincoln had been tragically assassinated—

> So, now, has Mr. Bush astonished us all. For his performance has been masterful. He's done so many different and difficult things well.

Mr. McEWEN. If the gentleman will yield further, I had the distinct privilege just a few hours ago to visit with the Commander in Chief of America's forces, the leader of the free world, the President of the United States.

Mr. DORNAN of California. Was he visiting you in your office?

Mr. McEWEN. I said to him, in his office, I said, Mr. President, there isn't another person on this planet that could have pulled together the coalition of forces, have held them as tightly as they have, as you did. And to bring about the victory, to take the complete spectrum of the world, take them united through the United Nations, hold them together, and achieve victory, is unprecedented.

Mr. DORNAN of California. Being a humble man, I bet he said, "BOB, it wasn't that difficult,"

Mr. McEWEN. A leading ambassador from the Middle East said the other day that America stands astride the world. Because of what George Bush has done, he has the respect of the Arab world, the respect of the Israeli world, and he can move to peace.

This man, and it would certainly do good for those who have just abused him in the past, to pay this man his due, that this man is due every bit of respect that this Congress has to offer a Commander in Chief and a leader.

Mr. DORNAN of California. As an involved Congressman, with a great interest in defense and foreign affairs, broadly traveled on serious fact-finding trips, I assume you were also addicted to all the television coverage on this war and that you watched the media approach.

Did you note the media's fascination with body bags, body counts, This leftover Vietnam syndrome? And when it came to the tortured prisoners, I was shocked that Newsweek put on its cover a big, tight, choker photograph of Jeffrey Zaun, with cuts all over his face from punches from someone probably wearing a ring. Both eyes were swollen. And they put him on the cover of Newsweek.

Now I want you to tell a couple of stories that I missed of some of these prisoners surrendering to press people that were in the front area——

Mr. McEWEN. Italian press people.

Mr. DORNAN of California. Here is the Newsweek cover. It says, "Target: Total Victory. Bush's Battle Plan."

Here is an MP, military policeman, from the 101st Airborne, he has a screaming eagle on his shoulder there. and there is this Iraqi prisoner wincing. But he is being well taken care of. The soldier is not straining to restrain this prisoner. He is not using any persuasion holds on him.

But they go with this picture instead of the already available pictures of the gentle way all of our services, Marine, Army, the British and French forces, have treated these God-forsaken, pathetic people. Saddam was squandering their lives in the desert under B-52 strikes and Apache Army helicoper gunships, Marine Cobra, Whiskey, helicoper gunships, and then all of the A-6's and F-16's, and F-18's, all the close air support airplanes.

Tell me the story you told me which should have been reflected on this cover of how these POW's approached our soldiers and our newspeople.

□ 1350

Mr. McEWEN. They are coming from everywhere.

I saw last night on the news from CBS people that they walked up, they surrounded the CBS people, and they tried to say we gave very unprofessional pat-downs as they took their arms, and then they gave them the water, and they came on. Of course, we saw on the headline cycle on CNN where they came up out of their bunkers, they were yelling, "George Bush, George Bush, George Bush."

Mr. DORNAN of California. "Bush good; Saddam Hussein evil."

Mr. McEWEN. Indeed, and some of those soldiers, some suggested, must be Republican Guards.

And so as a result of that, not only did they come up to the Italian cameraman, God love him, he looks like a foreigner, and that was good enough, full surrender to him, and another one was a fellow who was on patrol in his Hummer, and he got stuck in the sand. And here comes an Iraqi tank and an armored personnel carrier, and he thought, "I've had it now." With that, the tank turns around, backs up to the U.S. Army Hummer, pulls it back up on the road, out of the ditch, and then surrenders.

Mr. DORNAN of California. I had not heard that story.

Mr. McEWEN. This is, of course, just in the last few days, because George Bush sought the resolve, painted the picture, and said right from that microphone that the invasion into Kuwait would not last, that Saddam Hussein's aggression would not stand. And he said, "I am not boasting. That simply is the way it is."

Most Americans, most people, and I include 268 million of them, can understand that. Only a handful of politicians are unable to understand what the mission was, and they kept saying, you know, "I will be willing to support the President if he would just explain what it was."

The President explained it in three sentences. He made it abundantly clear. Everyone on Main Street in America was able to understand it, and we took the appropriate action.

As a result of that, having been consistent, the world is seeing it because of the pounding that they took, because of the quality of our weapons, because of the dedication of our soldiers, and they were then in the last 25 hours continuing to surrender because they had been beaten as a force.

Mr. DORNAN of California. Now listen to this from the Los Angeles Times, one of America's most respected liberal newspapers, one of what I call the big 11. There are very few media sources in this country that make the cut on the big 11. The Chicago Tribune, our fourth largest paper, does not make it. It includes the three networks, CNN, PBS, Time, Newsweek, U.S. News & World Report, and three newspapers, the L.A. Times, the Washington Post, and the New York Times. I think we could expand it to 12 and put in the powerful Wall Street Journal with movers and shakers but unlike the other 11 the Journal is conservative. Those are the 12 outlets.

Here is one of them, the L.A. Times, the only one west of the Mississippi, the only one of the three not inside New York on the little island of Manhattan where I was born. Here is the L.A. Times on February 20, 3 days before the land war began.

It says, "The Media Take a Pounding." This is by Thomas B. Rosenstiel. "Pentagon rules and instant communication have changed the way war is reported. Reporters come off as clumsy villains in the gulf drama."

I am sure this is a liberal writing for this liberal newspaper. Here is the opening paragraph, datelined Washington.

"It may have been the strongest signal yet of who is losing the political battle of the Persian Gulf war," or what I like to call the battle for Kuwait, as in the Battle of Britain, particularly since it was airpower for all but 4 out of 41 or 42 days.

NBC's "Saturday Night Live" recently opened with a skit pointedly satirizing not Iraqi President Saddam Hussein, or President Bush, or United States Commander Gen. H. Norman Schwarzkopf, or even Vice President DAN QUAYLE. They took shots at him every night.

Instead, the skit shredded the American press corps. Every question that the red-eyed media horde asked at a mock Pentagon briefing seemed designed to help the enemy.

Being the butt of jokes on late-night television is not the only sign that the press has come to be seen as a clumsy villain in the gulf war drama.

Notice: They can make up for it if they do what I have not seen a man or woman on the other side of the aisle or the two or three that voted against the President on our side, and that is come to the well and say something that is so utterly intellectual honest and forthright decent and say, "I was wrong, I didn't realize the depths of this guy." I admitted that I was wrong on thinking the war would be over in a few days, and that airpower alone would do it. I had been told by intelligence people that this man was a survivor and a key brinksmanship player who would never see his country devastated. I am not the only who believed that. However, at least I recovered when I said the land war would not take more than 2 or 3 days. There was simply no reason to believe that soldiers and enlisted men, grunts, mud soldiers, desert soldiers would perform better than the knights of a military force, the fighter pilots, who bugged out to Iran. The fighter pilots are the knights on horseback, they are the chivalrous men. And they all ran cowardly to Iran. The Iraqi equivalent of the A-10 tank killer is known as the Soviet frogfoot, which is the name for the Sukhoi 25. They have straight wings, and were built using information stolen from this country. When I saw them lined up on the runways in Iran, knowing they would not be there overhead to support their Republican Guards and their hapless troops they put in Kuwait, I knew that the army was hollow and would come apart because of the way, to use a military term, we had prepared the battlefield.

Now, do you think that anybody in this House will have the decency to do what Dan Rather did this morning on early morning national television, which was to point out that some of his young journalists had come to him, CBS journalists, and said, "I thought only losers joined the military," or another one who came up and said, "I thought the military was for people who couldn't do anything else."

Mr. McEWEN. And Phil Donohue has said that, I would say to my colleague, on virtually a daily basis, constantly ridiculing the people who are willing to lay down their lives for our freedom, willing to dedicate a portion of their life to our independence and protection.

Mr. DORNAN of California. He came out of your State, so I will leave him to you.

Mr. McEWEN. Formerly from Centerville, OH, shared values with many of us at one time, but who now prides himself on ridiculing not only as he constantly does the family, 2.4 children, a dog, a woody station wagon, which is the backbone of America, fam-

ilies, paying taxes, mowing the lawn, washing cars, and making America work, he not only ridicules them on a daily basis, but enough of that, what he does is take the people who protect our freedom and constantly hammers the fact that somehow or another these people cannot get a job at a local filling station, and so as a last resort they stand for America.

What we have discovered, and what everyone has known, and I used this example of the distinguished majority leader of the other body ridiculing them as well, because he mentioned it would not be the sons of the wealthy, but what I pointed out in a 1-minute response was that my personal physician in Hillsboro, OH, when you call his number you get the answering machine that says that the office is closed for 1 year because he is on duty. Not only is he on duty, but his wife is also a nurse, and she is on duty in the Persian Gulf defending our freedom, protecting our country, because the people that do this are the finest, the absolute best regardless of how much the left wing, or the television, or some in Congress wish to ridicule them, they are the best, the cream of the crop, the absolute best that America has to offer.

No greater love hath any man than to lay down his life, and that is what they are.

Mr. DORNAN of California. Remember Ronald Reagan, our great President, who for many years set the stage, and actually handpicked George Bush. He woke him up in the middle of the night in Detroit at the Republican Convention in 1980 when Bush had finished a respectable second, and after decently campaigning, never taking a shot at Ronald Reagan except for one little voodoo economic line for which we forgive him, but Ronald Reagan woke him up in the middle of the night and said, "George, I want you to be my Vice President."

They worked closely together for 8 years, and they rebuilt this country's defenses, and Bush now reaps the harvest of Reagan's hard work as a leader. But remember Reagan used to quote James Michener's great stories, and of course, the Bridges at Toko-ri. He remembered the admiral on the bridge, who was fond of this young pilot he was teaching because he looked so much like his own son that was lost in World War II. And the great actor, Fredric March, was superb in this portrayal. And he told him that Brubaker had gone down, and they had tried to rescue him. They had lost other planes trying to rescue him. Mickey Rooney had died as a rescue helicopter pilot, and pilots had died in rescue helicopters.

□ 1400

And he looks out into the mists off the coast of Korea, and he said, "Where do we get such men?"

Mr. MCEWEN. Exactly; exactly.

Mr. DORNAN of California. Then they must find this little tiny carrier deck pitching on these heavy seas and bring their jet aircraft home, and he repeats, "Where do we get such men?"

Well, since I was born on the east coast, in Manhattan, raised there for 10 years, another 9 years in Beverly Hills, CA, before I quit college to go in the Air Force as a fighter pilot, let me tell you where we get these men: from Middle America. But the term "Middle America" does not mean from the Nevada border to the Pennsylvania border or New York State just outside the city.

Inside New York City, inside L.A. and San Francisco and Chicago and this D.C. area, there are young men and now thousands of women with Middle-American-values. They comprise 11 percent of our forces. They are the best people that we have in this country.

And there are people everyday asking BOB MCEWEN of Ohio to send them to the Coast Guard Academy, the Air Force Academy, Annapolis, and West Point. All of us have more young people asking to be educated at their Nation's expense and serve than we can fill these slots. All of these people respect all the men and women serving in the gulf. And by that, I mean that Middle Americans make up most of the country.

Mr. MCEWEN. I would say to my colleague from California, while he was speaking about those people that have given, those people that wear the uniform, it is also appropriate to recognize those who are sacrificing at home who are the wives, the children, the mothers, the fathers, sisters, and brothers that have supported them through this ordeal.

Mr. DORNAN of California. And have been demonstrating in the streets proudly waving flags, tears running down their faces, and wearing yellow ribbons as our Speaker was wearing.

Mr. MCEWEN. And they have been carrying the burden as well. We, indeed, honor them. There are so many people that should be included in the process of remembering Ronald Reagan and fighting that battle and the ridicule that came from the Phil Donahues and those other Members on the left.

Cap Weinberger understood what needed to be done. When Ronald Reagan took the oath of office on the steps of this building, only one plane in three in the U.S. Navy was airworthy. I mentioned about the category 4, that more than half of all of the military at that point were in category 4, because even the Commander in Chief ridiculed them. There was precious little respect for those who represented our values. Now, I want to jump ahead, in case I am going to lose the gentleman, and ask him if he will join me on this letter that the gentleman from New York [Mr. SOLOMON] just signed. I will hand it to the gentleman for signature. I am going to polish it and make it a little more flowered to our great President.

FEBRUARY 28, 1991.

DEAR MR. PRESIDENT: When United States and allied forces began the liberation of Kuwait, you said that we would not repeat the mistakes of Vietnam. For that we salute you.

One of the greatest mistakes of our Vietnam experience was the failure of our Nation to express its support and appreciation for our returning veterans—

And I think I am going to add the word "love" in here—"for our returning veterans" and a lot of Army nurses, so it was still men and women.

While this was not a military mistake made on the battlefield, it was, nevertheless, one that had tragic, deep, longstanding consequences.

We therefore request that at the appropriate time your administration begin planning ceremonies and activities that will allow the grateful citizens of our nation to express their appreciation to the men and women of our armed services whose courageous and heroic efforts made the liberation of Kuwait possible.

And bringing freedom to Iraq, possibly, and I think I will add that little possibility.

We would like to suggest a major parade of returning units in our Nation's Capital—

And I am going to add New York City, our commercial capital.

similar to those parades which followed World War II.

Thank you for your consideration.

Would the gentleman be inclined to join me in that effort so that we might see the Big Red One, the First Division, march down Constitution going from east to west? There is a big photograph in the Rayburn Building in room 2212 of these handsome young First Division soldiers with their officers out front. It is right behind where the chairman sits.

The 82d Airborne marched down the street in New York City, and both of those units are over there in the gulf. How about a parade where, at the end, in loose formation, we allow any Vietnam or Korean veteran, who wants to march, follow the spit-and-polish marchers of our first units and how about, Mr. MCEWEN, a flight from every squadron that served in the gulf, Operation Desert Shield/Storm and Operation Proven Force in the north? How about every unit that lost an airplane flying a three-ship missing-man formation with the No. 3 slot empty? And how about at the beginning of the parade, and all of that is my idea, but not this one, because I got it off Cliff Kincaid's show an hour ago from a man whose last name escapes me, a Daniel from North Carolina, POW's, the handful of them, at the front of the parade, and if they are so severely tortured that they are not able to march, then let them ride in cars, hummers, or any other type of vehicle? What do you think about parades in New York and

Washington, DC, with air units overhead?

Mr. MCEWEN. I say to my colleague he is exactly right, because history has told us repeatedly that weakness invites aggression.

We can look at the 1930's, and we can see it in the Saddam Husseins. He felt that America would not stand by her values and honor her warriors. He had seen the liberal press and ridicule that came from certain reporters.

Mr. DORNAN of California. Tell us what he said to April Glaspie about casualties.

Mr. MCEWEN. What this effort should be here is to communicate that America hates war. No one knows that better than anyone who has ever watched the Congress. We hate war. The only thing we have that we have a greater feeling for than our hatred of war is our love of freedom, and when freedom is challenged, our hatred for war is overwhelmed by our affection for freedom.

We value those men and women who wore that uniform. We are honoring them not because they had to go to battle but because they protected liberty, and I think that in every crossroads, to anyone, and I know that many people follow in the towns and in the newspapers across America, the editorial boards, it is appropriate for anyone, it is easy, and I have never been, and I have never worn, a uniform, but I honor those who do, and for those who are willing to wear a uniform and protect our freedom, I take a back seat. We all should take a back seat. And when each one of those men and women return to Hometown, U.S.A., I think there is no greater responsibility than for us to take a few moments out of our day, to take a day off from work, a day off from school, to express our gratitude to those who are willing to constantly bear the protection of our freedom and our independence. That is the greatest calling a person can have.

Mr. DORNAN of California. Help me with this idea of a big parade in this town. Because the gentleman knows that the liberal press may go back to its old ways. Maybe we can get Dan Rather to get on the idea early, because the theme of the parade could be, "No More Wars."

Let me do a footnote right now, and I should have done this at the beginning of the special order.

Mr. Speaker, I resent the cameras roaming an empty Chamber. I was watching it on the prior special orders. Do not anybody write me and say that they liked what the gentleman from Ohio [Mr. MCEWEN] and I were saying here today but they felt bad because the House Chamber was empty. There are several dozen people in the gallery, and a lot of Members are watching on the television sets. But more importantly, I read the other day that there are 1,200,000 people out there watching on television, so I do not want anybody writing either of us and saying, "Gosh, you guys were doing a great job there, but nobody was listening.

The gavel has not come down. The House of Representatives is in session. They do not pan the Chamber during our 1-minutes at the beginning of the day or when we are doing routine legislation that is not particularly exciting. Indeed, sometimes there are not as many people on the floor as there are right now. They only do it on the special orders as an attack upon the minority trying to get its voice heard.

Tip O'Neill was a nice man, but in the middle of the 1980's he implemented this idiotic camera policy. That was two Speakers ago. I hope we will give the order downstairs to stop panning this Chamber or else to make the exact same coverage from gavel to gavel, from when the prayer starts and our Pledge of Allegiance at the beginning of the day to today when one of us will say, "I do now move that the House adjourn," and stop this stupid panning of the House. It is petty. I bet Tip O'Neill is sorry he ever implemented it.

Anyway, here is what I want to talk about now. The officer corps who were in Vietnam, like Ollie North, as first lieutenants, second lieutenants, young sergeants. They were in charge of Desert Storm. General Schwarzkopf was a battalion commander in Vietnam. Colin Powell was a battalion commander. Our colleague, BEN BLAZ, was a regimental commander of the 9th Marines.

When Charlayne Gault, one of the few good reporters on PBS, was interviewing Schwarzkopf, she showed his bed where he sleeps down in the CENTCOM offices. He sleeps in his office.

Mr. MCEWEN. About 5 feet from his desk, just across a little divider.

Mr. DORNAN of California. Right. Where he sleeps is a cross, and a statue of the Infant of Prague, a statue of the infant child Jesus. I have seen the original in Prague, Czechoslovakia. In all the 45 years of Communist conquest, they never destroyed the original child Jesus, the Infant of Prague, Czechoslovakia.

When I saw this little Infant of Prague, I said, "Schwarzkopf has got to be a German Catholic." And he is. As a good Catholic you could see that he doesn't enjoy the death and destruction that he is involved in. But he knows it is his duty and that our course was just. And he tried to minimize U.S. and allied casualties.

He said to one of the reporters, "I am not stupid, ma'am. I am not going to shove my face into barbed wire." He talked about going through the berms. But in the end he had the Marine Corps do that. That is why he said, "If I describe them as brilliant, it would be understating what they did," and he said, "We made this big end run around with a lot of special operations, night drops," that we will be able to talk about in a few days here. "And then we did a Hail Mary throwing that pass into the end zone; everybody out." Did you see him this morning or last night? They have re-run his press briefing all night long. Did you see him choke up when he said that the low casualties were miraculous? And he said, "Not miraculous for anyone who lost someone they love." Did you see him choke up on that?

Mr. MCEWEN. Yes.

Mr. DORNAN of California. What a commander. He learned in Vietnam. That is why we want Vietnam veterans at the back of the parade.

□ 1410

Then did the gentleman see the British commander, with his French name, Sir Hilary de Billiers, and the reporter will have to check that spelling for me. He starts to choke when he said:

> The best would have been to take every one of my men home with me, but it is good that we are taking most home.

This operation, in all the history of the world since the 300 Spartans were massacred at the Battle of Thermopylae trying to hold the pass, since Sam Houston only lost nine men wounded and wiped out several thousand of Santa Anna's troops after they slaughtered the Texans at Golieta and the Alamo, there has never been a battle like this.

Mr. MCEWEN. The reason we are doing this now is because people's attention is focused on it, and it is important that at this moment we emphasize facts. The facts are that the investment that was made into the kind of equipment and training that was given to our Armed Forces have saved untold thousands of lives. Anyone who stands in the well and opposed the M-1 tank, or opposed the aircraft carriers, or opposed the A-10 tank killers, opposed the F-14 for supply, and we can take members of the Committee on Armed Services. They are there often for the single purpose of subverting America's defenses, who opposed every one of those defense programs. They were there for the single purpose of protecting freedom and preserving lives.

Now, when they were used, they did both of those. They protected freedom and they saved lives. It is highly unfair for Members to not take this moment to acknowledge, and Cap Weinberger, and George Bush, and Dick Cheney were right in getting this kind of equipment and having it available so that America would not be threatened, and so that our freedom could be secured, and we could bring those people home. Now, those who opposed it, those who did not want the United States to have that protection, those who opposed those weapons programs that

would save lives, they are the ones that constantly took the well to brag about how many body bags America was able to produce.

Indeed, I think it is only fair, it is right, it is unfair, it is unjust, if we do not raise the question, because freedom is not free. We have to maintain our defenses, this year and next year, and the year beyond, because weakness invites aggression. I sincerely hope that those who have been dead wrong on every one of these issues, those who waffled in the well today because they could not confess that they were in error, and tried to deflect the issue by talking about how much money Japan had contributed as though that was the issue of the day.

Mr. DORNAN of California. One used "a big lie" technique, indicating we supplied military arms to Saddam Hussein. Bad enough we gave him agricultural subsidies and intelligence information when Iran was holding our hostages, but sometimes in a storm, any port will do. I guess that is why we brought Syria's Hafiz Assad onboard, which I will not criticize, though I do not support it.

Mr. MCEWEN. That is exactly right. On the left is only reasons that anything can go wrong. If a plane crashes, or weather goes bad, it is either because of America or it is Ronald Reagan. One of those two has to be at fault. If Saddam Hussein attacked his neighbor in Kuwait and went in to rape, and pillage, and murder, it had to be one of the two people's fault. The effort today was to imply that somehow or another we were responsible for Saddam Hussein taking Soviet tanks and attacking its neighbor. That is ridiculous.

When posed to me by a leftist some weeks ago, I explained, "Get ready. Here it is." In this coalition, against Saddam Hussein, our people from around the globe, including as the gentleman in the well mentioned, Hafiz Assad, President of Syria, a very, very despicable character. I said,

> Now, if Syria, 5 years from now, chooses to attack Israel, rest assured, the left will come bouncing forth, saying do you remember back in 1991, do you remember when we were opposing Iraq? Do you remember why we were all friendly with Syria?

I said, "Wrong, wrong."

Mr. DORNAN of California. They will go further and say that George Bush created Assad.

Mr. MCEWEN. Or they will have some other excuse. The truth of the matter is, when there is evil in the world, it is not necessarily the United States' fault.

Mr. DORNAN of California. I ask people to look at a map and try and figure out how we ran some of those rescue operations. Stay tuned, more later. We will cheer some close calls. We almost got one of our colonels, an F-16 pilot out.

Mr. MCEWEN. Let me remind the gentleman of a statement by John Stuart Mill:

> War is an ugly thing, but not the ugliest thing: The decayed and degraded state of moral and patriotic feeling which thinks nothing is worth a war is worse * * * A man who has nothing which he cares about more than his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself.

Mr. DORNAN of California. That was one of Theodore Roosevelt's favorite quotes. I had to memorize that as a cadet in pilot training in 1953, I thank the gentleman for putting it in my special order. All I have to do is turn to February 28 to dig that out.

Now, we will close on our POW's. Today's headline is, "We Win, Bush Declares Victory After Six Weeks." I now want people to focus on what President Bush said last night when he said he reserves the right to reinitiate hostilities if the POW's are not returned. I did not hear whether he said "quickly" or when because my eyes started to mist over at the thought of the young heroes who have been there the entire 6 weeks in vicious captivity.

I wore 3 days in a row my Harrier tie. As a matter of fact, I wore it all through Europe and into Turkey last week because one of the Harrier pilots that went down over the hot combat did survive. This is a remarkable story. A Harrier pilot down 3 nights ago. When they found him, he was sitting there with a sidearm, maybe a 0.9 millimeter Baretta, and he had 100 prisoners. At least we know that Harrier pilot made it, but others are unaccounted for, including one on February 9, out of Bahrain, a Capt. Russell Sanborn, On January 28, Capt. Michael C. Berryman, also out of Bahrain eight marine carrier squadrons of Bahrain, and 11 FA-18 Hornet squadrons are in Bahrain, operating near Dahrhan, We lost another Harrier pilot on January 22 in Oman. He was one of the top senior Harrier pilots, Capt. Manuel Rivera. He was lost in a training accident before Desert Storm started.

Look again at this article I held up during a 1 minute. By the way, Life magazine is going back to a weekly, and they have made it the size of Time and Newsweek, so maybe they will make it this time. But look at this, those dreaded words, missing in action. I still wear the MIA bracelet of my best friend, the godfather of my oldest son, Dave Hrdlicka. He went down in Laos on May 18, 1965. He was a POW for 5 years and then disappeared. This photo is of the young military specialist, a woman, who was captured with David Lockett, her partner. They had trouble with their Hummer and an enemy scout unit crossed into Saudi Arabia and snatched Melissa. She was kidnaped from inside Saudi Arabia. She may be held in Basra but we don't know for sure. Where is this young lady? Where is Spe. David Lockett, who was taken with her? What about these people? Here are pictures that are not very good quality, but we have blown them up. I flew with the Italian Air Force, as I said earlier, at Practica Del Mar, and they told me Captain Bellini, shot down in Iraq, was the best Tornado pilot in the Italian Air Force. Five of their airplanes could not get on the tanker that night, and one went back because of mechanical problems. Bellini pressed on and alone hit this target on an Iraqi air base. But he went down. His back seater, Maurizio Cocciobone, turns up but Bellini does not. It does not bode well that Captain Bellini was not with him. One of the pilots that I flew with, also named Maurizio, said;

> I know Bellini. I was in pilot training with him. He was first in the class. They probably tortured him to death or he refused to be on television.

The British also have many missing and captured. British Flight Lieutenant John Peters, I am told, will be a national hero if he comes back. Not only was he the most severely beaten from the pictures, but he is the one who kept his chin down and said "Flight Lieutenant John Peters," and then mumbled something. He refused to look up into the camera. Here is the OV-10 pilot. We lost one the other night. I hope that crew survives, but the first one went down on day 3 of the war, Clifford Acree was the squadron commander, and he wanted to get out there over the enemy area so he would know what his Harrier and Hornet pilots were up against. His front seater is a senior warrant officer in this midforties, Guy Hunter from near my district, Camp Pendleton, CA.

□ 1420

Are these some of the ones they claim were killed as human shields? God, we hope not. This is the Kuwaiti pilot who went down the first week, Lt. Col. Mohammed Mubarak. The Kuwaitis bought our A-4 Skyhawks, that is the plane that our colleague, Senator MCCAIN went down in. These were M-models, and they renamed them the Mongoose.

We lost another A-4 Mongoose within the last week of the war.

Here is Harry Roberts, one of the men we almost rescued; and another F-16 pilot, Colonel Eberley. They are both out of Torrejon.

I visited Kratoni, the base that all the NATO countries want to build for this 401st wing out of Torrejon, Spain. They sent one squadron north to Proven Force, another squadron to a Saudi base. They have performed magnificently. They have lost four of their F-16's, one of them being recovered. The other three went down in enemy territory. We know two of these pilots were shown as POW's.

We had better get these POW's back within hours. I hope they are being brought forward as we speak. And I say to Congressman MCEWEN, because I think the gentleman will agree with me that we should send an armored column up to Baghdad if within—what does the gentleman think, 48 hours, 72 hours?—these POW's have not had contact with the Red Cross or have not been returned. Does the gentleman agree with me that Bush will act if our POW's aren't soon released? Bush is a man of action, an attack pilot, a naval aviator, the first one to ever sit in the Oval Office, other than Eisenhower. He is not going to let these men who went down in combat rot in some Hanoi, or Pyongyang, situation. What does the gentleman think?

Mr. MCEWEN. Is it not wonderful that our soldiers are not locked in the desert waiting for 8, 10, 12, 15 months of sanctions supposedly to work?

Mr. DORNAN of California. Exactly.

Mr. MCEWEN. These are just great men and women.

I would say to Jesse Jackson, who ridiculed those fine young men who volunteered supposedly because they did not volunteer in this proper ethnic mix they should have volunteered, that he owes an apology to all those fine men and women of every category, of every heritage, of every background, who have done that, and then to think we have been able to accomplish this massive campaign, I just observe that on the streets of the Capital City since January 16, when Desert Storm began, that 62 people have been gunned down just on the streets of this city, and what do we have for that? I should think their attention should be directed in that direction.

Mr. DORNAN of California. Sixty-two?

Mr. MCEWEN. Sixty-two have been gunned down since August 2.

Mr. DORNAN of California. If you take out the 28 killed in the Scud attack, take out the terrible agony of the friendly fire accidents, which happen in the fog of war, more people were killed by gun battles in Washington, DC, than in the 6 weeks of the war.

Mr. MCEWEN. That is just one city, so if you want to direct your attention, if you want to cry, do not cry because America is trying to defend freedom and trying to stop the raping and pillaging, direct your energies and attention here if you are so offended by these things, 327 since the day that Saddam Hussein rolled out his tanks on Kuwait, 327 people have been gunned down on the streets of just this city; but there are also those of the same political persuasion that dominate Washington, DC, also dominate Philadelphia, also dominate New York, also dominate Los Angeles, and so they can contribute to this as well, to put it into perspective as to what we value for those who value freedom and democracy. Do not give me your crying tears over the ethnic mix or some other excuse, because the fact is that when you knew that if America stood tall, if George Bush proved that he would be right, then indeed all across the globe today everyone recognizes that freedom works, that democracy is right. A strong America protects lives.

Mr. DORNAN of California. You bet.

Mr. MCEWEN. And so people wish to identify with that. That is the course of history. In 1975, when Leonid Brezhnev said that because of what we are doing, because of the investment that we are making in our military, by the end of the 1980's, that is 1990, he said because of that by the end of the 1980's we will be able to work our will anyplace on the planet. The correlation of forces, economic, military, and political, are on the side of socialism and communism.

Here we are at the end of the 1980's. The correlation of forces economically, 2 out of every 3 jobs created on this planet since 1982 have been created in the United States of America economically.

Militarily, the gentleman and I have been discussing that. T-72 tanks, when compared with the U.S. tanks, we did not lose a single one. We wiped out 4,600 of the enemy tanks. Economic, military, political, around the globe.

Mr. DORNAN of California. The big tank battle that never happened.

Mr. MCEWEN. I was privileged, perhaps one of the greatest days of my life, similar to this, meeting with the Commander in Chief at this great moment in history, was sitting in the balcony of the Sejm, just as our balcony here is now empty, when the Polish Sejm voted for the first time that a Communist country was able to extract itself voluntarily from the throes of communism. I was able to sit there and watch two-thirds of that parliament as they had ridden their bicycles, wearing their peasant clothes, and had come there to Warsaw to vote for the first time in Warsaw.

Mr. DORNAN of California. What month, what year?

Mr. MCEWEN. It was August 23, 1989, and as they took the vote and a hush fell across the chamber, I turned to my wife and I said, "Do you understand what this is like?"

Mr. DORNAN of California. That is the anniversary of the Stalin-Hitler Pact.

Mr. MCEWEN. I said, "This has never happened before. No nation has been able to do this voluntarily." And I began to clap and they began to clap. They stood and cheered and Skubiszewski came out and tears began to flow down his cheeks.

Six weeks later the Velvet Revolution in Czechoslovakia and Hungary, and then East Germany was wiped off the map. East Germany no longer exists. The correlation of forces, economically, militarily, politically is on the side of democracy and on the side of freedom.

You take some poor gal standing in line for bread in Moscow and ask her, she will say free elections and free economies are best. You ask a cab driver in Prague, you ask anybody on the streets of Warsaw, they will tell you that democracy and free elections and free economies are best.

You go to Latin America and they will tell you that free elections and a free ecomony are best.

Around the globe, it is on the side of freedom and democracy and they knew that if George Bush stood toe to toe with the dictator, what this fourth largest army in the world, what this surrogate of the Soviet Union, what this man who had committed himself to dominating half of the world's energy resources, if George Bush went toe to toe with American prestige at stake and American won, it would totally change the geopolitical situation around the globe for the next decade. That is why they opposed him. That is why they wanted to delay. That is why they would not stand by him and that is why they have been proven dead wrong, and the gentlemen and I are right to join with our colleagues in congratulating the Commander in Chief who saw the geopolitical situation, who saw what was at stake, and while everyone else around him was nervous, while everyone else did not know what was going to happen, George Bush proved to the world that he knew exactly where he was.

They said "I have never seen him so much at peace with himself."

When Mikhail Gorbachev, that master politician, that master controller of the media, that man who has come and has rolled tanks into the Baltics, who has murdered people on the streets of Tbilisi, Georgia, sent his troops down with their sharpened axes to hack people's skulls open, who took 2,300 women and gassed them. We have films of them grabbing them by the hair and putting gas under their noses, a man who did that, but because of his ability to persuade the international media was able to secure a Nobel Peace Prize. When Mikhail Gorbachev with all his political skills——

Mr. DORNAN of California. He got Reagan's Nobel Peace Prize, that is what I said.

Mr. MCEWEN. A man with all those political skills, a man who Time magazine considers the man of the decade because he has those skills, last week on Tuesday and Wednesday and Thursday and Friday did all within his power to save Saddam Hussein, to save the dictator of the Middle East, to say we will not have the sanctions.

Do you remember what the Soviets said? They want to do away with the sanctions. That was agreement No. 1. We will abide by only the first U.N. res-

olution, that is, that he leaves Kuwait. There will be no reparations. There will be no sanctions. We want him to survive.

Mikhail Gorbachev doing his best and George Bush walked out into the garden, the Rose Garden of the White House and said, I don't care what ideas come forth. I don't negotiate with the Soviet Union. The Soviet Union isn't involved. Move aside. Here is what you have to do.

That was after an hour's conversation, until noon Saturday to deliver. Because George Bush did that, the world is different today. America is stronger today. Freedom has more opportunity today. The future is brighter today and we have every right to acknowledge it.

We would be doing history a disservice if we failed to enter into the RECORD at this moment the fact that this was on the line. George Bush had the geopolitical skills to understand it, just as Neville Chamberlain missed his opportunity in history in the 1930's when Winston Churchill sitting on the back bench of parliament did right, George Bush saw the same position and Saddam Hussein bet everything he had George Bush was a Neville Chamberlain. But what we discovered, he knew what was at risk and took it.

Mr. DORNAN of California. I just wanted to create this word picture because I have not had a chance to tell about it.

First of all, I took one of our great young lieutenant colonels from Air Force liaison, David Hayes, a navigator in Vietnam, on my trip.

□ 1430

We went over to Ramstein, Germany, after I did a TV show in England on their Meet the Press, called The World Today.

I think you have done it before.

I went against one of Gorbachev's top spokesmen, Vassily—something or other. The Soviets, as usual, were looking to get in on our moment of clear, decisive victory in the Middle East. I went over to Ramstein and saw a friend of yours and mine—the last time I saw him, he was the legislative liaison, with one star on his shoulder. He is now a three-star general, and he is lieutenant general vice commander of USAF, our good friend Rees, Ted Rees.

Rees said, "Congressman, do you mind if I send one of my F-15 pilots here on the staff, a young fellow named Mike Fennessey, with you on this trip?" I said, "Sure, if he can stand watching me fly the F-104 in Italy, send him."

Well, the three of us began our trek. We looked at the shutdown of the missile site at Comisso.

We went up to Italy, flew there, and then finally ended up at a base that I will be able to talk about in a few weeks—I choose not to now—near the northern Iraqi border where I watched proven force augmenting Desert Storm.

Barely had we landed when the staff car picked us up, Lieutenant Colonel Hayes, Major Fennessey, and myself, and we went out to the end of the runway as a night launch was pulling out. They had their buddy ships, a tanker with four ships, followed by another tanker with four ships. And there right as the pilots taxied up to take the No. 1 position for takeoff, was a young captain and I am angry that I cannot remember his last name but his first name was Brian. He had a big American flag. It was raining. He was half asleep. He should have been asleep. He had flown a night mission the night before.

Brian was swinging this big American flag, I mean the American flag the size you'd see at a football game. I immediately choked. Here go the pilots. We are holding up OK signs, victory signs, little Arsenio Hall, two fisted, guns from the hip, go-gettem, and these pilots in the cockpits are saluting. It choked me up. I will never forget it for the rest of my life. I asked: Where were they going? They used the Vietnam expression, "Downtown."

I looked at these pilots taking off, and the first thing I thought of was what I mentioned earlier, James Michener's great book "Bridges at Toko-ri." Where do we get such men and now women?

The SPEAKER pro tempore. The time of the gentleman from California [Mr. DORNAN] has expired.

## SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

## UPDATE ON OPERATION DESERT STORM

The SPEAKER pro tempore. (Mr. EDWARDS of Texas). Under a previous order of the House the gentleman from Ohio [Mr. MCEWEN] is recognized for 60 minutes.

Mr. MCEWEN. Mr. Speaker, I yield to the gentleman from California so that he may finish his thought.

Mr. DORNAN of California. Well, the next day, we got up early. We had breakfast at the Patriot missile site. There were women there because the Patriot batteries are a defensive operation, not a frontline combat operation. These fine women—African-Americans, Asian-Americans, Irish-Americans, Jewish-Americans, everybody in this beautiful Army unit, up to their ankles in mud, were proud of their Patriots defending this base on the northern front.

Then we went out to the flight line again to watch the sorties leaving for the morning strike. Then one of the commanders said "Congressman, how would you like to go on one of these tankers?" I said, "Is the Pope Catholic? How fast can I answer you?" I had a briefing in a room with 70 other people. A young F-16 pilot, Capt. Steve Corley was doing his first briefing. I forget whether he was from Torrejon or Spangdahlem. He was, standing in the front of the briefing room, and one of the guys yelled out, "Hey, Steve, why don't you admit to the Congressman that you are a Democrat?" And I said, "Well, that's all right as long as he is a SONNY MONTGOMERY, or a JACK MURTHA Democrat."

Mr. MCEWEN. Or IKE SKELTON Democrat.

Mr. DORNAN of California. Or an IKE SKELTON Democrat. There are 50 or 60 fine conservative Democrats we could name. They are those who believe in a strong defense. He said, "Oh, they are kidding you. I am a Republican." I stood up and I said, "Now, wait a minute, I want to get something straight before I go up with you guys. How many of you are Democrats?" I was kidding, and they took me seriously. There is something very sad about that. And I am sorry to report this.

Not a hand went up, not the intelligence officers and sergeants, not male or female, not one of the tanker air crewmen, not one of the 16 pilots of the F-16's and F-4's that had just arrived from Clark Air Force Base in the Philippines. Not a single person put up their hand.

Do you know why? When I was in the Air Force at George Air Force Base in 1956, half of my squadron was for Adlai Stevenson. I know, I was a precinct captain for General Eisenhower who was already President. The military, like most of this country was divided into both parties.

The reason we have a much more partisan military now is that there has been so much derision coming from that lectern on the other side of the aisle, that it sometimes approaches contempt from a too large segment of this body's Democrat majority party members and the other body's as well. The people in the military feel shortchanged.

Mr. MCEWEN. Abandoned.

Mr. DORNAN of California. Abandoned. And they are sick and tired, particularly the four or five senior officers of our military who had Vietnam experience, of hearing that somehow they were part of something other than what President Reagan called a noble cause.

I hope that after this war we can remain committed to our military by passing a meaningful defense budget, and not just lip service to them by saying, "I support our men in the gulf, but we shouldn't be there and we ought to get out."

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Mr. McEWEN. That is an oxymoron. You cannot do such a thing. You cannot have a policeman defending you and say, "I don't like being out there, but I support you." You either support them or you do not support them, in or out, up or down. The common sense of the average American understands that. It is oxymoronic to say that you support someone who is doing a job that you do not approve of. It just simply does not follow.

"I support my son slicing the couch, but I don't approve of his activities." Either you support him slicing the couch or you do not support him slicing the couch. Either you support the soldiers serving in Desert Storm or you do not. You cannot say I support them but I do not think they ought to be there. It is a nonsequitur, it is an oxymoron, and it should be faced as squarely as the gentleman from California has done it.

Mr. DORNAN of California. The people in the military from the newest private all the way up to the three and four-star generals know that it is inconsistent and demeaning to the people who are proud of fighting in the battle for Kuwait, in Operations Desert Storm, Desert Shield, and Proven Force.

A final thought and then I am going to run out to a meeting I must attend and turn it back to the gentleman from Ohio, but I will come back.

The final thought here is that these young men and women want the media to understand that they are a part of normal, middle America. They understand that there is a huge difference between them and most people in the media. The media has come to realize in the last year that middle America is not with them on abortion, that middle America does not believe first amendment rights should be extended to child pornography or any type of pornography. It is demeaning to every one of our grandmothers, mothers, wives, sisters, cousins, or any woman we know. Every time we see pornography pushed on the American public and dominant media culture defending it, it is degrading to America. The media is wrong on most social issues. They are certainly wrong, according to Dan Rather, on what makes a young woman or a young man join the military. And not just to be a "Sierra Hotel" hot fighter pilot but to be one of those kids in the mud that I met in Turkey setting up that Patriot missile site.

You know, a lot of those kids over there, the younger ones, were saying, "We didn't pick the terminology in this war, but we are the Patriots, all of us."

Mr. McEWEN. That is right.

Mr. DORNAN of California. "And those that demean us are the Scuds," referring to the Scud B's, the "Scudbags of America." The media had better look in the mirror and analyze the way it has been reporting on the aerospace industry and all the men and women who build the equipment that is performing so brilliantly over in the Arabian Gulf. Did you hear what Regis Philbin said on his show this morning? Where is Ron Kovic today? Where is Michael Farrell of "MASH?" Where are these people who made a career out of demeaning the military forces of this country? Ron Kovic was promoted over 23 other scouts at 21 years of age in Vietnam in the DMZ. He was a hero. And he has betrayed his younger self by spending his adult life as a malcontent drawing $4,000 a month tax free. He's earning this money from what is the measure of his devotion to stopping Vietnam in South Vietnam so his country could do for South Vietnam what we half did for Korea and what we did for every Nation in Europe except for those we betrayed behind the Iron Curtain.

Mr. McEWEN. And for what President Nixon did in 1973 with the peace accords when they protected South Vietnam and when they were allowed to survive.

I am going to ask my colleagues to join me on the anniversary of that peace agreement in which it was won and the peace was secure in 1973, 1974, and into 1975 when the new Watergate babies came in and they voted to throw it all away and deliver the killing fields back to North Vietnam, to allow them to come in and rape and pillage and to murder and to close their eyes and to close their ears and not see what was going on over there. That is what is now excised. As has been said by one of the great commanders of this Nation, we are about to excise, to wipe the specter of Vietnam off of our face.

□ 1440

It was not because of the soldiers. It was not because of the cause. It was because of the celebration of the victory of the 1974 election when people came in, and history should not allow that vote to die in which they said we will not stand by those accords. Even though President Nixon gave our word and committed our Nation, we will turn our back on him, and on them, and on our Nation, and thereby we will forget it and allow their sacrifice to not be successful by giving back South Vietnam, and that is exactly what they did.

And your reference to South Korea is correct because South Vietnam would have been free, and independent and prosperious, and that is what has been corrected here, that never again will we allow the Congress to do that to us, and I am extremely grateful for the Commander in Chief that has said that we are committed to this under all circumstances, and force the issue on the floor in January, and we are able to celebrate the victory today. President Nixon did all within his power to keep that from happening in South Vietnam. Those who gave their lives did it for a noble cause, and the gentleman's reference to it is absolutely correct, and God bless Ronald Reagan for resurrecting or to leapfrogging the statements made by Jimmy Carter to say that it was a noble cause, and I have a letter that I wish to read later on, or to insert in the RECORD again from yesterday's RECORD, that the gentleman from Illinois [Mr. HYDE] inserted because of that noble cause.

Mr. DORNAN of California. The gentleman from Illinois [Mr. HYDE] did that in his 1-minute special order. The gentleman is going to insert it again in our two follow-on special orders here? Excellent.

Mr. McEWEN. I think it should be.

Mr. DORNAN of California. Because I remember the letter concerned a young Navy reconnaissance pilot who probably flew 85 Vigilantes for President Johnson. That was Johnson's favorite airplane, because he would take the reconnaissance photographs brought back from those dangerous missions; and pick his own target. Dozens of the Vigilantes were shot down going into take these pictures for Robert Strange McNamara and President Johnson so that could play war in the war situation room in the White House. This is something George Bush has never done.

Mr. McEWEN. Never done, and I would point out that in the desert classic, the Carter desert classic, a rescue mission in Iran, the gentleman will recall that he was running that from the telephone at the site of the Oval Office, talking to the ground commanders in Iran, and so you had Lyndon Johnson picking bombing targets in the Oval Office, you had Jimmy Carter running it from his executive wing there, from his little private study there, running an operation, where you have Ronald Reagan in Grenada and in Libya where he gave the command and let the experts do it, when George Bush in Panama, and now in Desert Storm, gave the commitment of the Nation, the moral and international support, and allowed our soldiers to do it. We can see what can happen, but it is when the Jimmy Carters and the Lyndon Johnsons put their fingers in the pie, and foul it up, that then they come back and point their finger at the military, which is very, very unfair, which is the same thing that of course goes on——

Mr. DORNAN of California. Let me say something for the men and women who in a sense had to sit on the bench during the toughest moments on this conflict. We have a little over 2 million men and women in our military services if you throw in the members of the Coast Guard. These men and women also serve valiantly, risking their own lives when ours are at stake in times of disaster. John 15:13 says "greater love than this no man has that he gives his life for another". That is what all of

our people over there were doing for the people that were tortured in Kuwait. How many more would have been tortured if we had listened to the counsel of liberals in this Chamber and wait for sanctions to stop Saddam. One of the Senators from Iowa said, "Well, maybe 6 months to a year; maybe a year and a half." Unbelievable.

Mr. McEWEN. Having opposed every weapons system that would protect American lives.

Mr. DORNAN of California. Exactly.

Being in Europe this last week, I learned something new. We did something unusual in this conflict. The 1st Air Force Tactical Fighter Wing that went over there was from Langley. This is the famous Eddie Rickenbacker, Hat-in-The-Ring Squadron, the 94th Squadron. Those pilots have had to sit in Turkey for 7 months and watch their friends in the 27th and 71st Squadron going into combat. All the wings in Europe contributed to this effort—one or two squadrons out of their three, so that one or two squadrons would stay behind.

Last month, on January 18, I flew with an FA-18 Hornet instructor down in El Toro. Ten of us went out to the Yuma bombing range. When we came back, some of them were graduating. They were brandnew graduates ready to go over and join the 11th Squadron of Hornets in Bahrain. But the instructors, the better pilots, some of them with combat experience, had to stay behind. They wanted desperately to go. At all the bases I visited, Zweibrucken, Haun, Spangdahlem; Ramstein has the 86th Tactical Fighter Wing there; they all wanted to be there. Look at the carriers. Look at the marines who for 6 months on the *Nassau*, and the *Iwo Jima* and all the other ships, who have been floating around out there for 6 months except for one operational practice landing on the beaches of Oman. They were feinting operation, like you keep a quarterback warming up on the sidelines, but you never put him in, just to psych out the opposite side. Many of the Patriot batteries did not go. The overwhelming majority did not go. Most were behind the lines, and were not going into combat: the intelligence units, the quartermaster corps, the hospitals that I saw set up in the big hangers in Rhine Main, the doctors and nurses, the USO people there, all waiting for the casualities that we thought might come. All of these people were there in heart, and spirit and prayers with the handful, that chosen handful, who just happened to be in the right place at the right time.

My nephew, Don Dornan, Jr., flies AWAC's from the *Ranger* out in the gulf. How did he know the *Ranger* was going to go over there? The carrier that stood duty the first few months, the *Independence* is back in home port. We did not know which of our 15 carriers would end up there. There are now four carriers in the Persian Gulf. We have never had more than two carriers in that gulf before Desert Storm. The *Midway*; first the *Ranger* there, and then the *Teddy Roosevelt* joined them, the *J.F.K.*, and the *Saratoga*. How is it that the *Saratoga* lost four airplanes? The *Teddy Roosevelt*, one? The *Ranger* lost one? And the rest of the carriers; I think the America only lost one in the landing on the deck. Both pilots ejected. The pilot broke his ankle and is at home now, after five combat missions. His bombadier navigator is back in combat, and is going to get 31 combat missions.

God decides these things, and a few superiors. But every man and woman on active duty now get the National Defense Service Ribbon. Everybody who is over there. The 28 people killed in the Scud attack in Sauda Arabia, many of them from Pennsylvania were killed behind the lines. Their parents, their wives, their kids thought they were home free. Well, they were not. Twenty-eight of them died, and how many are in wheelchairs for the rest of their lives? How many were terribly burned in an explosion like that? There are burn victims all over, and there is not to say that our hearts do not go out to the tens of thousands of Iraqis who wounded, died, or will be in wheelchairs the rest of their lives because of a mad dictator who told our Ambassador April Glaspie in July, "Your country can't take 10,000 casualties a day. Mine can." Well, he sure delivered on that evil threat because they have taken more than 10,000 casualties the last 4 days.

Mr. McEWEN. We just invited his aggression.

Mr. DORNAN of California. Exactly.

Mr. McEWEN. That weakness invited his aggression. He thought that America could not and would not respond. Indeed one of the most important steps was taken right there at that podium on the day that Fishbait Miller took the vote on whether—on when the Speaker took the vote as to whether or not to institute the Selective Service draft in 1941, in January, and it passed by only one vote because Fishbait Miller saw five Members enter through that door, and he immediately did a calculation in his head; it was three and two. He turned to the Speaker and said, "Pull the gavel," and the Speaker banged the gavel denying them the right to vote, and it passed by one vote, and, when they interviewed——

Mr. DORNAN of California. We hardly have any people like that anymore who can do a head count on five people at the door to shift the vote the other way, and we would all be speaking Japanese now if Fishbait——

Mr. McEWEN. Adm. Thomas Moore, the Chief of Naval Operations was on the interrogation team that went to Japan to interview the leadership of the Japanese forces, he asked them how they felt they could attack the United States of America with impunity. What would induce them to do that? Why would they think of such a thing? Now they were interrogated separately in separate locations. They all gave the same answer, which means that obviously they had come to this conclusion and thought it out well.

Three things: the Congress had voted not to fortify our islands of Wake and Guam. We had chosen to leave them bare to not provoke Japan, No. 1. Second, we had just completed Army maneuvers in Louisiana with wooden guns and cardboard tanks. Third, and here is the most important, the United States—here is what they said—"The U.S. Congress had voted by only one vote to institute the draft."

□ 1450

And they said they came to the conclusion that when presented with the fait accompli, Pearl Harbor, the United States would have neither the capacity nor the will—in other words, the Congress would not be there—the United States would not have the will to respond. Therefore, they made the decision to attack. That was the weakness of America. The passage was by only one vote here, with the support of Sam Rayburn and of President Franklin Roosevelt, but because the Congress was so weak on the issue, it invited the aggression.

Because of what Saddam Hussein thought America was, because seeing the interviews and the constant tommyrot of the body bags that we heard about day after day after day in August and September—we can go back and check the record, and we were seeing it on television every day—that type of thing encouraged Saddam Hussein to tell our Ambassador that the United States cannot take 10,000 casualties; therefore, it will not stand for its values. He said, "I can go in and rape and pillage and murder and invite that kind of action." But George Bush has wiped that off the face of the entire world.

Mr. DORNAN of California. It is a new world.

Mr. McEWEN. Yes, it is a new world order, not of socialism or communism but of freedom and democracy that stands by its word and has the capacity, has the will, and has the vehicle to defend itself. We are safer for it. America is safer for it. People will not die because of it. People will be free because of it, and it is exactly the right thing to do.

The gentleman mentioned the reference to the carriers. We have had continual battles all through the 1980's as to the importance of the carriers. Gary Hart built a political career on the idea that we did not need carriers. Let us stop and think at this moment—and we should do this right now—that 6 months to 8 months from now there

will be some who will be disappointed over the fact and will try to infer that this is gloating or something, but it is factual. The facts are that we could not have performed this campaign without the carriers.

We cannot go in and build an air base overnight. We had to have those vehicles there. We had to have the rescue units there, we had to have the hospital there in the carriers, and that was the mission of the task force. We had to have all of that there rapidly, and the only way to get it there is on a carrier. When Ronald Reagan asked for those carriers, which take over 4 years to design and 5 years to build—that is a decade of tooling up—when he asked for those carriers and America delivered on those carriers, we witnessed the constant battle we had year after year after year, saying they were outmoded and they are sitting ducks and all the other excuses they could come up with when they do not want to defend America or stand by its values. They were dead wrong, because the carriers were essential. In 1991 they were essential. In 1995 they will be essential. And just somewhere along the line, I think we would all have more confidence in their judgment if they would say, "I see now what you were saying. You said if you had to do this, you could use it and it would be protected and it would not be vulnerable and no one could come within 600 miles of it and it is not a sitting duck."

It is a force projection, it is vital, and it can go in harm's way and in areas where we could never go. It could go into Bangladesh or in other tight spaces in the world where we could never put an air base, but we could move an air base through a Navy aircraft carrier, moving them into position, project force, and secure the areas so we can preserve peace and freedom.

We were right to do that. Ronald Reagan was right to do it, John Lehman was right to do it, Cap Weinberger was right to do it, and the Congress was right to do it.

I think that somewhere along the line those members of the Armed Forces Committee, whether they be from California or from Colorado, should point out the fact that we were right to do that, and that America is safer for it.

General Farrell at Cincpac in Hawaii the other day was trying to lecture me on the fact that America was in decline. He had been schooled in that thought.

Mr. DORNAN of California. And he was a Vietnam veteran.

Mr. McEWEN. We were told that America had better learn to live with less, that we had entered an era of limits, and we were in all this decline. This three- or four-star general of the Army tried to go to great lengths to try to tell me how America was finished, through, and over the hill, and that America could not compete and all that sort of thing. And in the same briefing in which he was saying all of this nonsense, one of the briefers there said that in recent weeks they had 38 requests from 38 different nations that wanted to engage in maneuvers with the United States. They had never done that before.

Mr. DORNAN of California. In case they had to call 911, as one of our Congresswomen said.

Mr. McEWEN. They had never done it before. They knew where power was. They knew that power had shifted.

I told you about being there at the Seine when the first nation was able to extract itself from underneath the burden and yoke of communism. We met with the Soviets, and the first Communist leader of a Communist Warsaw Pact nation was there, the first time in the history of the world, as we came out of the meeting, and there was a bank of microphones there, and we were facing the microphones and answering the international media, and about 35 feet away, leaning up against his black Zil limousine, with his hammer and sickle flag on its hood, was the Soviet Ambassador, and he was waiting for the Americans to leave. This was that Warsaw Pact Prime Minister, this Polish Prime Minister, this Warsaw Pact ally, watching the Americans leave so he could come in second in succession to convey his best wishes to the new Prime Minister.

The power had shifted, and it is important for people to recognize that because of what we stand for, because of the power of our ideas and because we are willing to stand by them, the world is a different place today. There are no superpower competitions. There are no ideological competitions. There is one superpower, there is one superior political idea, and that is freedom and democracy, and the United States is the leader, General Farrell of Cincpac notwithstanding, as well as all those folks who have told us we are in decline. And we will hear that again, rest assured.

Mr. DORNAN of California. He has probably revised his script after learning what happened during the last 4 days.

Mr. McEWEN. Well, I have learned that a man convinced against his will is of the same opinion still. And today I have had that opinion reinforced in spades by watching the 1-minutes.

Mr. DORNAN of California. This is, of all days, the last day of February. All the headlines are saying, "Victory, Hail Mary, We Have Done It." There is no chemical warfare, and only 79 heroes are gone.

Let me give you a few more images from my trip. The first F-16 strike was coming back from downtown Baghdad. Guess what they were hitting. A park, NBC building, nuclear or biological chemical facilities. This F-16 pulls in, and I talked to its pilot. They put two into a bunker. Then I spoke to another young pilot, named Mark Fisher.

He was a typical fighter pilot, with a moustache. They put the ladder on the side of his beautiful F-16C from Torrejon. His crew chief comes up the ladder and takes his combat helmet and puts it in the bag. Then I see him tap the crew chief's leg, and the pilot goes to get up. Then I said, "You stay right there. You wait a minute."

He drops back into his seat, and I climb up the ladder and I said, "You saw me there?" I had my black ballcap on with my Air Force wings and a blue flight suit. He did not know what I was, with a red beard. I said, "What is your name?" Then I saw his name tag, Fisher, and he said, "Mark Fisher."

I said, "Mark, believe it or not, I am a California Congressman sent here to greet you home from your combat mission by your Secretary of Defense, Dick Cheney, and your President."

He says, "Yes? Hot." He did not say, "Sierra."

That is a Sierra Hotel, a phonetic code.

I said, "Mark, what mission was this?"

He said, "My 25th mission, sir."

I said, "Did you hit your targets?"

He said, "It was a beautiful sight. So did everybody in my flight." There were no more nuclear operations or biochemicals coming out of the facility they hit.

Mr. McEWEN. Not only American lives but thousands of other lives were being saved.

Mr. DORNAN of California. Thousands of lives.

Mr. McEWEN. And Israeli lives are being saved. There is no way to calculate the pain and suffering that was prevented because of the investment in that equipment so that these talented people could use it.

Mr. DORNAN of California. Now, let me give you a bad scene. Late that night, after watching the launch again with the American group of Aardvarks, the Spark Varks—that is the F-111's—go off to jam all the Iraqi radars, the same as the Navy Prowlers do, which fly off my nephew's ship. They use all these various kinds of electronic birds that we really should not talk about.

Then came the F-111E's. I will not give the air base, though we will be able to do it in a couple of days. As these F-111E's take off, and I go up to the intelligence war room to watch some of this wizardry and electronic images that I will not describe too carefully, we could see the bomber streams flying off downtown to Baghdad. And over the top of them you could see the shepherds guarding the sheep in the bombing mission, the F-15 caps with the HARM missiles, the Wild Weasels, the F-4G's and F-16 hunter-killer teams. They are weaving around, taking these guys downtown, and then

they started back. I am fascinated with this.

I could press a button and find out the call sign of each airplane, where it is, how it is doing, as it is coming home. A woman was teaching me. There were two sergeants and a civilian there, a tech rep woman just out of the Army. This was a fascinating operation.

Ted Turner will love this. Off in the corner there was the ubiquitous television set with CNN on. Then in comes one of our colleagues from the opposite side of the aisle, and everyone stops and turns their eyes to the television set. And I will tell you and I will tell her some day that I was severely embarrassed. She is the one who said, "We can't be the 911 nation of the world."

I thought to myself, "Maybe we can't help Tibet, which has been suffering genocide, maybe we can't help Lithuania except diplomatically, but there is a lot we can do elsewhere."

In this case we could help. With a courageous Commander in Chief, we did help, and now we see the fruits of victory. People with signs of "Bush" and American flags, people dancing in the streets in Israel, which courageously stayed out of this conflict when they had the military might to punish Saddam Hussein for killing innocent women and children. Their gas masks are gone now, and they are dancing in the streets.

But now get this next line: This lady Congressman from our Chamber comes in. This comes in in three pieces, and I want you to analyze each piece. She said, "I think we could have let the sanctions work, but now that we are in, let's get it over quickly," as though we would want to prolong it with improper political leadership. Then she says, "And let's try to do it with the least blood possible, because I keep track of things like that, and my husband says that I must be the only Member of Congress who watches Desert Storm and asks, how much did that cost, and how much did this cost?"

Mr. MCEWEN. And how much money is being spent and being lost. It is not the lives, not the pillage, not the rape, but, "Oh, my goodness, a transmitter in Baghdad, a transmitter or an electrical facility that is being lost, that is what I am concerned about."

□ 1500

What kind of value system do we have when freedom and democracy and human lives and prejudice and destruction are secondary to financials? What kind of generation have we raised? What kind of mercenary feelings do people have when dollars and cents and brick and mortar are superior to human lives and human freedom?

Mr. DORNAN of California. Do you know what this big Navy Seal captain, part of the team there, and the Marine Corps brigadier, and the Air Force guys that were generally running this operation, and the enlisted people said about this display? They said, well, you have got to serve with her, Congressman. It must be embarrassing.

I have an appointment with an ambassador in the Rayburn room.

Mr. MCEWEN. Let me just say this concerning the same dear Member, who just the other day explained, they said to this Member, certainly you must now have to concede that the equipment that Ronald Reagan asked for and which you opposed is working very, very well.

You know what her response was? I love it. I do not know how people can come up with these. I do recognize talent. That is, well, it wouldn't have worked as well if I hadn't opposed it.

Now, I thought to myself, Mikhail Gorbachev gets credit for the F-16 working. He opposed it too. The Warsaw Pact should be credited with thanks. We should write them and tell them our appreciation for the M-1 tank working well, because they opposed it too, as well as every other Marxist and liberal leftist around the world. They were all involved in opposition.

If the reason that it works is because you opposed it, what kind of—well, enough of that.

The fact is, this is a moment in which America stands taller than it ever has. Freedom and democracy stand taller than they ever have. The reason is because this Congress stood in the proper position, with the support of the American people.

Mr. MCEWEN. BOB, have you got that Henry Hyde letter?

I do. Do you want me to read it while you are gone?

Mr. DORNAN of California. Would you do me a favor? Would you close with that? But before you do, I want to end on a sad note. Some people in Kuwait are still broken because their relatives are missing, taken up the road to Basra, if not already killed. Some of them are tortured to death.

But there is a picture in last week's Newsweek, maybe 2 weeks old, in the February 25 issue, 1991. It is on page 19. If anybody has this copy around the house, Mr. Speaker, do not throw it away. It says, "Saddam on the Ropes: Gulf War, Month Two."

There is a picture on page 19, that if you have any sensitivity you are going to cry.

Here is a beautiful woman, the wife of Marine Capt. Jonathan Edwards, who gave his life early in Desert Storm.

She has the flag on her lap, one of the reasons that you and I supported trying to go for a bill or a constitutional amendment——

Mr. MCEWEN. To protect the symbol of those people who shed their blood for our country.

Mr. DORNAN of California. Next to her are her two sons. They both look like a cross between their mom and I guess what their dad looked like. They look like brothers, with blond hair darker than their moms.

One boy, the older boy, looks like he is 10 to 12, maybe 13. His eyes are swollen. He looks like he is in a state of shock. His hero dad is gone.

I had a hero dad, BOB. I bet you did, too. I can tell from the way you operate. My dad had three Purple Hearts from World War I. They called them wound chevrons then. Two of them were for poison gas. But I had him until he was 83.

He had a chest full of medals from World War I, and he as a humble man would say, "Yeah, all of those medals and my French Croix de Guerre will get you a cup of coffee, if you have a dime." Now you need a dollar.

But this young boy has lost his hero dad. The younger brother is wearing his dad's flight jacket. I can barely make out the insignia on it. It looks like his dad was either a Harrier or Hornet helicopter pilot.

His eyes are swollen, his head is hunched over, and he is still in the midst of crying.

The mother is reaching out, holding both of their hands. I wish I had a big blowup of this picture.

She is proud of her husband's contribution. Her loss, her sense of grief, will never disappear. Nor will the grief disappear for the quartermasters, including those two beautiful young women from Pennsylvania and the other 26, who were hit by one of those Scud B missiles in the last death throes of Saddam's vicious spasm of evil. We have lost 11,000 in combat training since World War II. All of these people have a small part of this victory.

As our great General Schwarzkopf said, a religious man with that statue of Jesus next to his bed, next to the shotgun in case somebody penetrated the headquarters; it is miraculous how low the casualties were, but not miraculous enough.

These people are all in God's arms now. They died, as I said earlier, fulfilling the most beautiful line of the evangelist St. John, "Greater love than this has no man, that they give their life for others."

Mr. MCEWEN. Thanks to those wives and to those children and to those relatives. Our hearts are with them. We are grateful for them. We thank them for their lives. We are free, and the world rejoices. The tears flowing down the cheeks of people across the Middle East, as the beginning opening words of the evening news broadcast in Israel, God bless America. The people are free and rejoicing because they gave the greatest sacrifice.

Words are inadequate to communicate the gratitude that they are entitled to and which we feel for them.

In these celebrations, there will not be a single celebration any place in the world celebrating this great victory and the triumph over victory that their lives will not be remembered and appreciated, and every year from now on.

That cannot replace the emptiness and the hurt that is in their lives. I repeat, all of us must go, and only a very handful have gone and contributed so very, very much.

Mr. DORNAN of California. BOB, do you know what they have been doing in that small country of Israel the last 24 hours? This is something I just heard this morning. Every half-hour they play World War II's biggest hit, the late Kate Smith singing "God Bless America."

Do you know the two songs that kept going through my head on this trip through NATO, ending up in Turkey, as I stood there on the end of the runway? Two very popular songs now with the military. One is played at a lot of funerals now. The first one is the one Bette Midler put over the top, "Did You Ever Know That You Were My Hero?"

I could hear that in my head, as I was dealing with these pilots and these air crews and these kids in Patriot batteries.

The other one is Lee Greenwood's "God Bless the USA."

Mr. MCEWEN. The country has come a long way from when we entered this decade, at which time we were told that America is in a decline, in which the Chief Council of Economic Advisers said to us that the question was not whether or not America would have a declining standard of living; the only question was whether or not Americans could learn to adapt to their declining standard of living.

Their future for us was downhill. Here we are at the end of this decade, America proud of itself, the world proud of what we stand for. And when the words went through Vilnius, where they had strapped the speakers all over the downtown of Lithuania, when they anticipated the Soviet tanks rolling in, and the words came over the international USIA network, and George Bush said that Desert Storm had begun and the liberation of Kuwait had begun, the cheer went up from behind the Iron Curtain and the Soviet Union, the cheer all over the capital of that Republic of Lithuania, cheering the fact that we were standing for these principles.

Mr. DORNAN of California. Well, BOB MCEWEN, of the great State of Presidents, Ohio, the great State of Civil War generals, I am proud to work with you on this House floor, because you are one of those optimists who knows that our Nation is not in decline, it is still in its ascendancy, and the wind beneath the wings of this American eagle is blown from all over the world, from Thule, Greenland, to down in the Antarctica.

From those in harm's way, to those in the academies now, to the ones applying to the academies, to the enlisted kids who are trying to approach an ROTC recruiting officer on campus, or hear from their local military sergeant or petty officer about the advantages of the military, for all of them, they are the wind beneath the wings of this great Nation, and we are proud of all of them, and the parents who trained them.

Mr. MCEWEN. There has never been a greater day to be alive; there has never been a greater day to be free; there has never been a greater day to be an American.

Mr. DORNAN of California. Well, today is the last day of February. Supposedly by September 30, I hope we are not going to go through continuing resolutions and more of this budget nightmare in September, but we have 7 months, a little more than half a year; we will have to figure out what we are going to do with the defense budget and how we are going to pay these young men and women. And just as importantly, as we honor them, what kind of equipment we are going to give them. Are we going to build four B-2 Shadow Bombers this year?

Mr. MCEWEN. What about the Stealth technology? Do we need that Stealth technology? Does it work?

Mr. DORNAN of California. You bet it does.

Mr. MCEWEN. Thirty percent of all the missions accomplished by three percent of the Air Force.

Mr. DORNAN of California. Ronald Reagan was called a cornball by the dominant media culture because he ended every speech from the bottom of his heart with those Kate Smith words, "God Bless America."

George Bush's biggest music supporter was Lee Greenwood, and that is why the President ended his speech last night with, "God bless the United States of America," as he always does.

So with that tune playing in our heads, I am ready to say, end your special order, and read that great letter from that Navy reconnaissance pilot.

Mr. MCEWEN. I will submit it for the RECORD. Thank you for your contribution.

(The letter follows:)

AL HOUGHTON MINISTRIES,
*Placentia, CA, February 15, 1991.*

Hon. GEORGE HERBERT WALKER BUSH,
*President of the United States,*
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: I am writing to thank you primarily, and secondarily the Congress, for taking a stand that is bringing healing to the hearts of this and many other wounded Viet Nam Veterans.

The greatest wounds of Viet Nam were not inflicted in the rice patties of Southeast Asia, but were scars seared in our hearts from our government who sent us off to war but refused to let us win. Every soldier knew the military could have won the Viet Nam war in six months if our elected leaders would have only turned us loose. Going to war and coming home with a victory is something to be proud of, but facing death and coming home with nothing is a shame.

For nearly two decades, I have felt the Viet Nam years of my life were a worthless waste until you stood before this nation and declared, "We will not fight this war, with one arm tied behind us." The three times I have seen you make that statement on television has healed my heart by redeeming my Viet Nam experience.

For the first time, value and worth have risen from the ashes of what twenty years ago seemed like a fiery furnace. The value of Viet Nam I saw demonstrated through your lips, and approved by the Congress was: a generation of political leaders *learned how not* to conduct a war. My experience now has great value because the President of the United States and a majority of Congress learned something through it and are conducting Foreign Policy accordingly.

Those of us who experienced Viet Nam have lived with the truth of Proverbs 18:14, "The spirit of a man will sustain him in sickness, but who can bear a broken spirit." All one hundred and sixty-one combat missions I flew as a Navy Reconnaissance pilot are now much more than entires in a log book. Thank you Mr. President for helping heal this wounded warrior.

You will soon have a great opportunity to publicly heal the wounds of hundreds of thousands of Viet Nam Veterans and their families by extending to them two major missing ingredients unavailable when their war ended.

A simple acknowledgment of the value of Viet Nam in shaping your determination to let the military do whatever necessary to win will bless families and heal hurts, because the soldiers twenty years ago did not have that backing and commitment.

Secondly, helping those who experienced Viet Nam see that they had a major role in winning this war, by shaping American leadership thinking about what to, and not to do, will give them the victory they never had.

May God bless you and God bless America.

Respectfully yours,

AL HOUGHTON.

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□ 1510

## ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. EDWARDS of Texas) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs.

(For message, see proceedings of the Senate of today, Thursday, February 28, 1991.)

THE 1991 TRADE POLICY AGENDA AND 1990 ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means.

(For message, see proceedings of the Senate of today, Thursday, February 28, 1991.)

SUNDRY RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-50)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, Thursday, February 28, 1991.)

SELF-DETERMINATION FOR PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SERRANO] is recognized for 60 minutes.

Mr. SERRANO. Mr. Speaker, I will be much briefer than 60 minutes, but I think it is appropriate to take this time.

In this week's Roll Call newspaper, in answer to a question by a reader as to Roll Call's knowledge of how many Members of Congress were born outside the United States, a list of seven Members was included. Among the Members was yours truly, and it says Jose Serrano, New York, born in Puerto Rico, therefore born outside the United States.

This may come as a shock to this newspaper, as I am sure it may come as a shock to a lot of other newspapers, but Puerto Rico has been a part of the United States since 1898 and, in fact, Puerto Ricans became citizens in 1917. I was born on the island of Puerto Rico. But had I not qualified in one way or another, probably then there would be some question as to what I am doing speaking from this microphone today.

But this really does not shock me, because what we read in the newspaper, and the mistake made by many people is in fact part of an attitude that is running around this country, lately more so than ever before, and that is as we get closer and closer to questioning what kind of a relationship the Island of Puerto Rico, Commonwealth of Puerto Rico will have with our country, the United States, questions are being asked that should never have been asked before, have never been asked before, and questions that are in some ways insulting. For instance, at recent hearings of another body some Members were asking whether indeed the people in Puerto Rico's culture fit within the American culture. This was a question being asked after 92 years of a relationship.

Some people asked whether we, by accepting Puerto Rico as the 51st State, were creating another Quebec with a people who have another language. Yesterday a vote was taken on that bill allowing the people of Puerto Rico to exercise self-determination and was rejected by a tie vote.

What is ironic about this, Mr. Speaker, is that this vote was taken at the same time that CNN was telling us that we were liberating Kuwait, and so there we saw pictures of men and women liberating Kuwait and scoring a major diplomatic and political and military victory, and at the same time this body was debating a resolution condemning Fidel Castro and the treatment of Cubans in our desire to free the Cuban people from the oppression that they live under, and at that same time one of these bodies was rejecting the opportunity of the people of Puerto Rico, after 92 years, to determine their political status.

The bill in question simply speaks about the right of 3.6 million Puerto Ricans on the island to decide whether they want to remain a commonwealth of the United States, become an independent nation, or petition the Congress for the 51st State. Whether or not a person feels that this is correct, this is a matter totally different from questioning the ability of the island to be a part of this Nation. And so we read many columns that question the ability of the island to be a part of this Nation.

What is sad about what is going on is that in 1917 when the Jones Act gave Puerto Rico citizenship—incidentally, Members might be interested in knowing that citizenship was voted here, the offer was sent to Puerto Rico and Puerto Rico's governing body at that time rejected it unanimously and said, "We appreciate it. We think you're being nice about it, but we would rather not become citizens at this point." And they were forced to take citizenship anyway. That was because we needed to send them into World War I, and it was kind of embarrassing sending noncitizens into the First World War.

Since then, Puerto Ricans from the island, not to mention the ones like myself from over here, but from the island who live there, have been to World War I, World War II, Korea, Vietnam, Lebanon, Panama, Grenada, and more recently 15,000 troops were taken out of the Island of Puerto Rico, in some cases whole companies and were sent directly to the Persian Gulf. And on the day that those troops were completing their most important part during this operation, they were getting the word from back home that people were questioning their ability to become part of this Nation.

I think that is the reason I decided to take some time today, Mr. Speaker, because the error committed in this newspaper is very much a part of an error that runs through this society, this belief that some of our possessions, some of our territories, some of our colonies, if you will, are not part of this Nation is something that we should deal with and deal with at the same time that we are dealing with our victories in the Persian Gulf. I think we cannot go around feeling good about liberating Kuwait and then saying SERRANO is a Congressman who is not born in this country. That does not make any sense, and it certainly is very confusing to many people.

Another thing that was questioned was whether people spoke English on the island, and whether that was good for statehood or not to have a people that spoke another language. As a matter of fact, people do speak English, but if they do not, and in the process of learning to speak English no one asked them before they went to the Persian Gulf, these 15,000 people, whether they spoke English, and throughout the history of this country there have been many Puerto Ricans who have died on our battlefields on behalf of liberty and democracy and the interests of this country, not speaking a word of English and died speaking Spanish. And they should be treated as equal citizens. We cannot at this time, in my opinion, lose ourselves in petty nonsense.

Perhaps the issue of Puerto Rico is one that more than ever brings home my belief and the belief of many Members of this body that it is time that we begin to deal with issues at home, not only the issues of poverty in this country and the issues of homelessness and despair and disease, lack of health services, but the issue of how we deal with our colonies, if you will, how we deal with our territories.

It is interesting to know that we were very instrumental in getting the Soviet Union to change. No one denies that. We were instrumental in bringing the Berlin Wall down. There will be votes taken in the coming weeks in the Baltic States trying to decide what they want to do with their political future. But there may not be a vote taken in Puerto Rico for many years to come in terms of their political future. But right next door, in Cuba, we are using pressure, as we should, asking Fidel to allow his people to vote.

The question of Puerto Rico is a simple one. Let the islanders vote. Let them decide what kind of a relationship they want to have with us. I am sure that it will be, whatever the final outcome, a relationship which will never be detrimental to the United States. But let us remember that we as leaders in this world cannot continue to ask of others what we do not ask of ourselves. Self-determination for all people means exactly that.

□ 1520

Self-determination for the people of Puerto Rico means exactly that.

I find myself at times in a very difficult situation, being the only Member of Congress who was born on the Island of Puerto Rico, who was born an American citizen, served during the Vietnam era in the U.S. Army, and as the only Puerto Rican-born Member of Congress, I find that at times I have to switch hats so I can see things as they are.

As a member of the island, as a person born there, I would like the United States to give the people of Puerto Rico a chance to determine, but as to a Member of Congress, it is where I have the strongest feelings.

I find it kind of sad that in March, if you will, almost, of 1991, we still cannot determine what is it that we want to do with the 3.6 million people of Puerto Rico. From 1493 to 1898, Puerto Rico belonged to Spain. The Spanish-American War made Puerto Rico the prize along with other islands which was given to the United States.

Little by little we let go of all of them, Cuba, the Philippines, and all the rest, but we kept Puerto Rico, and we kept Puerto Rico for special reasons.

We owe the people of Puerto Rico the right to determine their future.

I want to conclude, Mr. Speaker, by simply saying once again to those people who do not understand the relationship between Puerto Rico and the United States that, indeed, we are part of this country. We are proud of it. We want to do our best to be part of this country.

It reminds me of my late father, at his funeral in 1982, the American flag was over his casket, and one of my colleagues in government in the New York State Assembly at that time came to me and said, "How come the American flag is on your father's casket?" I said, "Well, because he was in the Army, and he wanted it that way." He looked at me, and he said, "I did not know the Puerto Rican Army used the American flag."

But then that is their problem, the lack of information which turns out to be a lack of respect.

So to other people who may doubt those of us who were born in this country or not, let me say that according to the legal agreements with the Congress of the United States, a person born in Puerto Rico, in Mayaguez, as I was in 1943, was, indeed, born an American citizen, and maybe I will be removed from the list of people who were not born here.

## RULES OF PROCEDURE FOR THE COMMITTEE ON ENERGY AND COMMERCE FOR THE 102D CONGRESS

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, I hereby submit the rules of the Committee on Energy and Commerce for the 102d Congress for printing in the RECORD.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, 102D CONGRESS

Rule 1. Rules of the House. The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House, which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to the Rules of the House.

Rule 2. Time, Place of Meetings. (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman 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 committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation, shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

(f) At least once a month, the chairman shall convene a meeting of the chairmen of the subcommittees. The purpose of the meeting will be to discuss issues pending before the committee and the procedures for committee consideration of such matters. The discussion may include, among other items, the scheduling of hearings and meetings, questions of subcommittee jurisdiction and the conduct of joint subcommittee hearings.

Rule 3. Agenda. The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4, Procedure. (a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement on his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee or subcommittee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the committee or subcommittee, as the case may be.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. Waiver of Notice, Agenda, and Layover Requirements. Requirements of Rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or subcommittee unless a majority of the members thereof is actually present.

Rule 7. Proxies. No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. Journal, Rollcalls. The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. Filing of Committee Reports. If, at the time of approval of any measure or matter by this committee, any member or members of the committee should give notice of an intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. Subcommittees. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the bidding process for subcommittee chairmanships and assignments. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing subcommittees shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the full committee with a view toward assuring availability of meeting rooms and avoding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. Reference of Legislation and Other Matters. All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. Ratio of Subcommittees. The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. Subcommittee Membership. (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of the subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of that member's choice. A member (other than an ex officio member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for succeeding rounds of selection until all subcommittee positions are filed. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be ex officio members with voting privileges of each legislative subcommittee of the committee of which they are not assigned members. The ex officio members shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule 15. Subcommittee Chairmen. (a)(1) Majority members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any request for a subcommittee chairmanship shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(2) If the majority members of the committee shall determine to change the size of any subcommittee after the start of the bidding process, they may do so, but in the event, all previous action on the bidding process shall be expunged and the bidding process shall start anew.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

(c) The chairman of the committee may make available to the chairman of any subcommittee office equipment and facilities which have been provided to him and for which he is personally responsible, subject to such terms and conditions as the chairman deems appropriate.

Rule 16. Committee Professional and Clerical Staff Appointments. (a) Whenever the

chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointees shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of its assigned responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(f) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if the request is made within 10 days after the last date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 17. Supervision, Duties of Staff. (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee, who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. Committee and Subcommittee Budgets. (a) The chairman of the full committee and the chairmen of each standing subcommittee, after consultation with their respective ranking minority members, shall for each session of the Congress prepare a preliminary budget for the committee and each standing subcommittee respectively, with such budgets including necessary amounts for professional and clerical staff, travel, investigations, and miscellaneous expenses, and which shall be adequate to fully discharge their responsibilities for legislation and oversight. Thereafter, the chairman of the full committee, meeting with the chairmen of the subcommittees, shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the committee and for each of the subcommittees. Such budget shall be presented by the chairman to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House, but the chairman of the full committee shall permit no subcommittee to make an expenditure beyond its portion of the budget (as established in paragraph (a)) unless the chairman determines that such expenditure can be made without exceeding the amount authorized to the full committee by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. Comptroller General Audits. The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94-163), after consultation with the members of the committee.

Rule 21. Subpoenas. The full committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpoenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman, and may be served by any person designated by such chairman or member.

Rule 22. Travel of Members and Staff. (a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) The purpose of the travel; (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) The location of the event for which the travel is to be made; (4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the

legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

(c) In the case of travel by minority party members and minority party professional staff for the purpose set out in (a) or (b), the prior approval, not only of the chairman but also of the ranking minority party member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority party member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. COX of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SERRANO, for 60 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. MOLINARI) and to include extraneous matter:)

Mr. HOBSON.

Mr. LENT.

Mr. RHODES.

Mr. DAVIS.

Mrs. MORELLA.

Mr. LAGOMARSINO.

Ms. SNOWE.

Mr. SUNDQUIST.

Mr. SCHAEFER.

Mr. SHUSTER.

Mrs. ROUKEMA in three instances.

(The following Members (at the request of Mr. COX of Illinois) and to include extraneous matter:)

Mr. STARK.

Mr. CONDIT.

Mrs. LLOYD.

Mr. BONIOR.

Mr. PANETTA.

Mr. MILLER of California, in three instances.

Mr. JACOBS.

Mr. MARKEY.

Mr. KANJORSKI, in two instances.

Mr. HAYES of Illinois.

Mr. ROWLAND.

Mr. CAMPBELL of Colorado, in two instances.

Mr. MATSUI.

## SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

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 200th anniversary of United States-Portuguese diplomatic relations; and

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day."

## ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, March 4, 1991, at 12 noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

740. A letter from the Department of the Air Force, transmitting notification of the decision to convert to contractor performance the weather support service function at Dobbins Air Force Base, GA, which was found to be the most efficient and cost-effective, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

741. A letter from the Department of the Air Force, transmitting notification of the decision to convert to contractor performance the weather support service function at Buckley Air National Guard Base, CO, which was found to be the most efficient and cost-effective, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

742. A letter from the Department of the Air Force, transmitting notification of the decision to convert to contractor performance the weather support service function at Selfridge Air National Guard Base, MI, which was found to be the most efficient and cost-effective, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

743. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-345, "District of Columbia Interstate Banking Act of 1985 Amendment Temporary Act of 1990," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

744. A letter from the Secretary, Department of Labor, transmitting the 16th annual report of the Pension Benefit Guaranty Corporation covering fiscal year 1990, which includes the Corporation's financial statements as of September 30, 1990, pursuant to 29 U.S.C. 1308; jointly, to the Committees on Education and Labor and Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PURSELL (for himself and Mr. FORD of Michigan):

H.R. 1174. A bill to repeal the Newspaper Preservation Act; to the Committee on the Judiciary.

By Mr. ASPIN (for himself and Mr. DICKINSON) (both by request):

H.R. 1175. A bill to authorize supplemental appropriations for fiscal year 1991 in connection with operations in and around the Persian Gulf presently known as Operation Desert Shield/Storm, and for other purposes; to the Committee on Armed Services.

By Mr. BERMAN (for himself, Ms. SNOWE, Mr. FASCELL, Mr. BROOMFIELD, Mr. GILMAN, and Mr. MILLER of Washington):

H.R. 1176. A bill to provide supplemental authorization of appropriations for fiscal year 1991 for the Department of State for certain emergency costs associated with the Persian Gulf conflict; to the Committee on Foreign Affairs.

By Mr. SYNAR (for himself, Mr. GLICKMAN, Mr. LEACH, Mr. MCHUGH, Mr. GRAY, Mr. WISE, Mr. PRICE, Mr. ECKART, Mr. HAMILTON, and Mr. MAZZOLI):

H.R. 1177. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for House of Representatives election campaigns, and for other purposes; jointly, to the Committees on House Administration, Energy and Commerce, Post Office and Civil Service, and Ways and Means.

By Mr. KOLTER (for himself, Mr. MOAKLEY, and Mr. TRAFICANT):

H.R. 1178. A bill amending the Railway Labor Act to provide that a majority of valid votes cast by members of a craft or class of employees shall determine the representative of such craft or class for purposes of such act; to the Committee on Energy and Commerce.

By Mr. ATKINS (for himself, Ms. SNOWE, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. AUCOIN, Mr. BEILENSON, Mr. BERMAN, Mrs. BOXER, Mr. BROWN, Mr. BRYANT, Mr. CAMPBELL of Colorado, Mr. CARDIN, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DURBIN, Mr. EDWARDS of California, Mr. FASCELL, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GREEN of New York, Mr. HOAGLAND, Mr. HOYER, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. JONES of Georgia, Mr. KLUG, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LEACH, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mrs. LOWEY of New York, Mr. MCHUGH, Mr. MACHTLEY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MINETA, Mrs. MINK, Mr.

MOODY, Ms. MOLINARI, Mrs. MORELLA, Mr. MORRISON, Mr. MRAZEK, Ms. PELOSI, Mr. PORTER, Mrs. ROUKEMA, Mr. ROYBAL, Mr. SABO, Mr. SANDERS, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SHAYS, Mr. SKAGGS, Mr. SMITH of Florida, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mrs. UNSOELD, Mr. WAXMAN, Mr. WEISS, Mr. WOLPE, and Mr. YATES):

H.R. 1179. A bill to prohibit the denial of international population assistance funds to nongovernmental organizations or multilateral organizations on the basis of any criterion that is not applicable to foreign governments that receive such funds; to the Committee on Foreign Affairs.

By Mr. BATEMAN:

H.R. 1180. A bill to amend the Internal Revenue Code of 1986 to provide that certain real property listed on the National Register of Historic Places shall be exempt from the estate tax; to the Committee on Ways and Means.

By Mr. BROWN (for himself, Mr. BONIOR, Mr. EVANS, Mr. RAVENEL, Mr. ABERCROMBIE, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER of New York, Mr. ACKERMAN, and Mr. KOPETSKI):

H.R. 1181. A bill to improve the availability of veterans' benefits and services to veterans incarcerated in Federal penal or correctional institutions, and for other purposes; jointly, to the Committees on Veterans' Affairs and the Judiciary.

By Mr. CAMPBELL of Colorado (for himself and Mrs. SCHROEDER):

H.R. 1182. A bill to authorize and direct the exchange of lands in Colorado; to the Committee on Agriculture.

By Mr. CAMPBELL of Colorado (for himself, Mrs. SCHROEDER, Mr. SCHAEFER, and Mr. HEFLEY):

H.R. 1183. A bill to provide for the transfer of the Platoro Reservoir to the Conejos Water Conservancy District of the State of Colorado and for the protection of fish and wildlife habitat on the Conejos River; to the Committee on Interior and Insular Affairs.

By Mr. CLEMENT (for himself, Mr. BARTON of Texas, Mrs. LLOYD, Mr. TANNER, Mr. GORDON, Mr. RHODES, Mr. FIELDS, Mr. DANNEMEYER, Mr. RITTER, and Mr. COOPER):

H.R. 1184. A bill to amend the Atomic Energy Act of 1954 to encourage the development and use of standardized plant designs and improve the nuclear licensing and regulatory process; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. CLINGER (for himself and Mr. SYNAR):

H.R. 1185. A bill to deny entry to Federal lands to persons found guilty of spiking trees on Federal lands, to increase the penalty for tree spiking, to make it illegal to spike trees on non-Federal lands, and for other purposes; to the Committee on the Judiciary.

By Mr. COYNE (for himself, Mr. SCHULZE, Mr. GUARINI, Mr. SUNDQUIST, Mrs. KENNELLY, Mr. MATSUI, Mr. JENKINS, Mr. RANGEL, Mr. THOMAS of California, Mr. DICKINSON, Mr. WEBER, Mr. TOWNS, Mr. WHITTEN, Mr. NOWAK, Mr. HERTEL, Mr. RITTER, Mr. KOLTER, Mr. WALSH, Mr. YATRON, Mr. ERDREICH, Mr. WILLIAMS, Mr. BILBRAY, Mr. STOKES, Mr. LEWIS of Florida, Mr. BEVILL, Mr. LANCASTER, Mr. PARKER, Mr. KOSTMAYER, Mr. MCCRERY, Mr. BREWSTER, Mr. HORTON, Mr. TALLON, Mr. ACKERMAN, Mr. FASCELL, Mr. LEHMAN of Florida, Mr. SISISKY, Mr. FROST, Mr. TAYLOR of Mississippi, Mr. SCHUMER, Mr. KANJORSKI, Mr. SERRANO, Mr. FOGLIETTA, Mr. VENTO, Mr. DE LA GARZA, Mr. OLIN, Mr. JEFFERSON, Mr. DWYER of New Jersey, Mr. HUGHES, Mr. ECKART, Mr. GAYDOS, Mr. EVANS, Mr. BOEHLERT, Mr. HOYER, Mrs. VUCANOVICH, Mr. PRICE, Mr. MURPHY, Mr. ZELIFF, Mr. MAVROULES, Mr. BRUCE, Mr. MCMILLEN of Maryland, Mr. COMBEST, Mr. ROE, Mr. PAYNE of Virginia, Mr. PAYNE of New Jersey, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, and Mr. CRAMER):

H.R. 1186. A bill to amend the Internal Revenue Code of 1986 to extend the treatment of qualified small issue bonds through 1996; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mrs. SCHROEDER, Mr. EVANS, Mrs. BOXER, and Mr. TRAFICANT):

H.R. 1187. A bill to impose additional duties on the products of foreign countries if, and during such time as, such countries do not fulfill their pledges to the United States to make financial contributions to Operation Desert Storm or Operation Desert Shield; to the Committee on Ways and Means.

By Mr. DERRICK:

H.R. 1188. A bill to amend title 32, United States Code, with respect to retention rights for certain civilian National Guard technicians who are involuntarily separated from membership in the National Guard; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. DURBIN (for himself, Mr. MILLER of California, Mrs. MORELLA, Mrs. COLLINS of Illinois, Mr. HYDE, Mr. DELLUMS, Mr. HENRY, Mr. FROST, Mr. MCDERMOTT, Mr. HORTON, Mr. MRAZEK, Mr. KILDEE, Mr. EDWARDS of California, Mr. MATSUI, Mr. STARK, Mr. YATES, Mr. LEHMAN of Florida, Ms. PELOSI, Mr. ACKERMAN, Mrs. UNSOELD, Mr. FRANK of Massachusetts, Mr. JOHNSTON of Florida, and Mr. CONYERS):

H.R. 1189. A bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. GAYDOS (for himself, Mr. ACKERMAN, Mr. BERMAN, Mr. BILBRAY, Mr. BONIOR, Mr. CLAY, Mr. COOPER, Mr. COYNE, Mr. DICKS, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. ESPY, Mr. EVANS, Mr. FASCELL, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK of Massachusetts, Mr. FUSTER, Mr. GUARINI, Mr. JEFFERSON, Mr. JONTZ, Mr. KOLTER, Mr. LANTOS, Mr. LEVIN of Michigan, Mr. MCDERMOTT, Mr. MANTON, Mr. MARTINEZ, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MRAZEK, Mr. MURPHY, Mr. OBEY, Ms. PELOSI, Mr. PENNY, Mr. POSHARD, Mr. ROYBAL, Mr. TORRES, Mrs. UNSOELD, and Mr. WILLIAMS):

H.R. 1190. A bill to establish a system for identifying, notifying, and preventing illness and death among workers who are at increased or high risk of occupational disease, and for other purposes; to the Committee on Education and Labor.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. ABERCROMBIE, Mr. BATEMAN, Mr. BENNETT, Mrs. BENTLEY, Mr. BORSKI, Mr. CALLAHAN, Mr. CUNNINGHAM, Mr. FIELDS, Mr. FOGLIETTA, Mr. GOSS, Mr. HOCHBRUECKNER, Mr. HUBBARD, Mr. HUGHES, Mr. JEFFERSON, Mr. LAUGHLIN, Mr. LENT, Mr. ORTIZ, Mr. STUDDS, Mr. TALLON, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mrs. UNSOELD, and Mr. YOUNG of Alaska):

H.R. 1191. A bill to require reporting of foreign passenger vessel casualties, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LANTOS (for himself, Mr. FRANK of Massachusetts, Ms. PELOSI, Mr. TOWNS, Mr. MCDERMOTT, Mr. FROST, Mr. OWENS of Utah, and Mr. WISE):

H.R. 1192. A bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVIN of Michigan (for himself and Mr. PEASE):

H.R. 1193. A bill to amend the Social Security Act to provide entitlement grants to States to assist in the administration of the unemployment insurance program; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 1194. A bill to amend the Internal Revenue Code of 1986 to restore a capital gains tax differential for individuals and corporations on small business stock held more than 4 years; to the Committee on Ways and Means.

By Mr. MARTINEZ:

H.R. 1195. A bill to remove certain limitations on the payment of unemployment benefits to members of the Reserves who performed services in connection with the Persian Gulf crisis; to the Committee on Ways and Means.

By Mrs. MEYERS of Kansas:

H.R. 1196. A bill to establish a comprehensive energy conservation program; jointly, to the Committees on Energy and Commerce, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. MILLER of California (for himself, Mr. GOODLING, Mr. HOYER, Mr. BONIOR, Mr. BORSKI, Mrs. BOXER, Mr. DELLUMS, Mr. DURBIN, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK of Massachusetts, Mr. GRAY, Mr. HAYES of Illinois, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Mrs. KENNELLY, Mr. MCDERMOTT, Mr. MACHTLEY, Mrs. MORELLA, Mr. OBERSTAR, Ms. PELOSI, Mr. RAHALL, Mr. SIKORSKI, Mr. SYNAR, Mr. TOWNS, Mr. TRAFICANT, Mrs. UNSOELD, Mr. WELDON, Mr. WISE, Mr. WYDEN, and Mr. YATES):

H.R. 1197. A bill to amend the Public Health Service Act to establish a program of categorical grants to the States for comprehensive mental health services for children with serious emotional disturbance; to the Committee on Energy and Commerce.

By Mrs. MINK:

H.R. 1198. A bill to amend the Internal Revenue Code of 1986 to restore the application of the credit for producing fuels from a nonconventional source to steam produced from agricultural byproducts; to the Committee on Ways and Means.

By Mr. OWENS of Utah:

H.R. 1199. A bill to amend the Internal Revenue Code of 1986 to deny the option to expense intangible drilling and development costs for wells drilled within the Alaska Na-

tional Wildlife Refuge, to provide incentives for the removal of crude oil and natural gas through enhanced oil recovery techniques, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. MOODY, Mr. CARDIN, and Mr. COYNE):

H.R. 1200. A bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the Medicare Program, and to expand home health services under such program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PORTER (for himself, Mr. BEILENSON, Mr. COOPER, Mr. JONTZ, Mr. KLECZKA, Mr. KLUG, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. MOODY, Mr. WALSH, and Mr. WOLPE):

H.R. 1201. A bill to amend the Solid Waste Disposal Act to strengthen the standards for Federal procurement of recycled paper and to clarify that Federal procurement standards for recycled paper are applicable to the Congress; to the Committee on Energy and Commerce.

By Mr. PANETTA (for himself, Mr. EMERSON, Mr. DE LA GARZA, Mr. HALL of Texas, Mr. STAGGERS, Mr. ESPY, Mr. HATCHER, Mr. TALLON, Mr. FRANK of Massachusetts, and Mr. DOOLEY):

H.R. 1202. A bill to amend the Food Stamp Act of 1977 to respond to the hunger emergency afflicting American families and children, to attack the causes of hunger among all Americans, to ensure an adequate diet for low-income people who are homeless or at risk of homelessness because of the shortage of affordable housing, to promote self-sufficiency among food stamp recipients, to assist families affected by adverse economic conditions, to simplify food assistance programs' administration, and for other purposes; to the Committee on Agriculture.

By Mr. REGULA:

H.R. 1203. A bill to amend the District of Columbia Self-Government and Governmental Relations Act to permit the District of Columbia to impose a tax on income earned by individuals who reside outside of the District; to the Committee on the District of Columbia.

H.R. 1204. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; jointly, to the Committee on the Judiciary and the District of Columbia.

By Mr. ROWLAND:

H.R. 1205. A bill to require the Secretary of Health and Human Services to submit to the Congress a proposal for the regulation of long-term care insurance policies, including an analysis and evaluation of such policies as are available to individuals, and to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individuals' retirement accounts for the purchase of long-term care insurance coverage by individuals who have attained age 59½; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. SCHIFF:

H.R. 1206. A bill to confer jurisdiction on the United States Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe; to the Committee on the Judiciary.

H.R. 1207. A bill to establish the National Atomic Museum; jointly, to the Committees on Armed Services and Energy and Commerce.

By Mrs. SCHROEDER (for herself and Mr. MARTIN) (both by request):

H.R. 1208. A bill to authorize certain construction at military installations for fiscal years 1992 and 1993, and for other purposes; to the Committee on Armed Services.

By Mr. SERRANO:

H.R. 1209. A bill to provide and restore certain education benefits to certain individuals serving in the Persian Gulf war; jointly, to the Committees on Veterans' Affairs, Armed Services, and Education and Labor.

By Mr. SIKORSKI:

H.R. 1210. A bill to provide a member of a Reserve component of the Armed Forces who is on active duty during the Persian Gulf conflict with special pay in an amount necessary to eliminate the gap between the military compensation and civilian compensation of the member; to amend title 5, United States Code, to extend recertification-related deadlines for senior executives called or ordered to active duty during the Persian Gulf conflict; and for other purposes; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Ms. SLAUGHTER of New York:

H.R. 1211. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee of Ways and Means.

By Ms. SNOWE (for herself, Mr. RICHARDSON, Mr. DOWNEY, Mrs. SCHROEDER, Mr. SIKORSKI, Mr. DONNELLY, Mrs. UNSOELD, Ms. OAKAR, Mr. KOLTER, Mr. STAGGERS, Mr. RINALDO, Mr. RAVENEL, Mr. MARKEY, Mr. SMITH of New Jersey, Mr. SAVAGE, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. PAYNE of New Jersey, Mrs. LLOYD, Mr. ROYBAL, Mr. FRANK of Massachusetts, Mr. LEWIS of Florida, Mr. FORD of Tennessee, Ms. SLAUGHTER of New York, Mr. PENNY, Mr. ROE, Mr. RAHALL, Mr. MOAKLEY, Mr. HORTON, Mr. FASCELL, Mrs. BYRON, Mr. GREEN of New York, Mr. RANGEL, Mr. BEREUTER, Mr. SMITH of Florida, and Ms. PELOSI):

H.R. 1212. A bill to amend the Public Health Service Act to establish and coordinate research programs for osteoporosis and related bone disorders, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SNOWE (for herself, Mr. DONNELLY, Mr. DOWNEY, Mrs. SCHROEDER, Mr. RICHARDSON, Mr. SIKORSKI, Mrs. UNSOELD, Ms. OAKAR, Mr. KOLTER, Mr. STAGGERS, Mr. RINALDO, Mr. RAVENEL, Mrs. BENTLEY, Mr. HOCHBRUECKNER, Mr. MARKEY, Mr. SMITH of New Jersey, Mr. SAVAGE, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. PAYNE of New Jersey, Mrs. LLOYD, Mr. ROYBAL, Mr. FRANK of Massachusetts, Mr. LEWIS of Florida, Mr. FORD of Tennessee, Ms. SLAUGHTER of New York, Mr. PENNY, Mr. Roe, Mr. RAHALL, Mr. HORTON, Mr. FASCELL, Mr. GREEN of New York, Mr. RANGEL, Mr. BEREUTER, Mr. SMITH of Florida, and Ms. PELOSI):

H.R. 1213. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SOLOMON (for himself, Mr. TAUZIN, Mr. WALKER, and Mr. MCEWEN):

H.R. 1214. A bill to deny funds to programs that do not allow the Secretary of Defense access to students on campuses or to certain student information for recruiting purposes; jointly, to the Committees on Education and Labor and Armed Services.

By Mr. TORRICELLI:

H.R. 1215. A bill to amend title 10, United States Code, to require that the President award the Legion of Merit to any member of the Armed Forces who has received the Purple Heart three or more times; to the Committee on Armed Services.

By Mr. VISCLOSKY:

H.R. 1216. A bill to modify the boundaries of the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WELDON:

H.R. 1217. A bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to provide specific definition of the requirement that a purchaser of real property make all appropriate inquiry into the previous ownership and uses of the real property in order to qualify for the "innocent landowner" defense; to the Committee on Energy and Commerce.

By Mr. WILLIAMS (for himself, Mr. CLAY, Mr. EDWARDS of California, Mr. GUNDERSON, Mr. SOLOMON, Mr. MILLER of California, Mr. KILDEE, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. PERKINS, Mr. WASHINGTON, Mr. DERRICK, Mr. BOEHLERT, Mr. BEREUTER, Mr. SHAYS, Mr. UDALL, Mr. BERMAN, Mr. LEVINE of California, Mr. MATSUI, Ms. PELOSI, Mr. ROYBAL, Mr. CAMPBELL of Colorado, Ms. LONG, Mr. MCCLOSKEY, Mr. SLATTERY, Mr. MCMILLEN of Maryland, Mr. BONIOR, Mr. TRAXLER, Mr. PENNY, Mr. PRICE, Mr. FEIGHAN, Mr. STOKES, Mr. DEFAZIO, and Mr. BUSTAMANTE):

H.R. 1218. A bill to prevent potential abuses of electronic monitoring in the workplace; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska (for himself, Mr. JONES of North Carolina, Mr. STUDDS, and Mr. THOMAS of Georgia):

H.R. 1219. A bill to designate wilderness, acquire certain valuable inholdings within National Wildlife Refuges and National Park System Units, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN:

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; considered and agreed to.

By Mr. COMBEST:

H.J. Res. 158. 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 the District of Columbia.

By Mr. DIXON (for himself, Mr. FUSTER, Mr. PAYNE of New Jersey, Mr. CONYERS, Mr. OWENS of New York, Mr. REGULA, Mrs. SCHROEDER, Mr. SLATTERY, Mr. ACKERMAN, Mr. LEHMAN of California, Mr. FEIGHAN, Mr. TRAFICANT, Mr. ROE, Mr. WOLPE, Mr. FROST, Mr. COYNE, Mr. DE LUGO, Mr. DYMALLY, Mr. HORTON, Mr. TOWNS, Mr. BILBRAY, Mr. FRANK of Massachusetts, Mr. STARK, Mr. MOODY, Mr. SERRANO, Mr. FRANKS of Connecticut, Mr. WEISS, Mrs. UNSOELD, Mrs. MINK, Mr. HYDE, Mr. COSTELLO, Mr. LEHMAN of Florida, Mr. MATSUI, Mrs. MORELLA, Mr. DELLUMS, Mr. MILLER of California, Mr. ESPY, Mr. HOYER, Mr. FLAKE, Mr. FASCELL, Mr. MUR-

PHY, Mr. SABO, Mr. SANDERS, Ms. WATERS, Mr. WYDEN, Mr. RANGEL, Mr. BERMAN, Mr. BACCHUS, Mr. GILLMOR, Mr. LANCASTER, Ms. PELOSI, Mr. LEWIS of Georgia, Mr. GUARINI, Mr. JACOBS, Mr. MAZZOLI, Mr. GRAY, Mr. PALLONE, Mr. AUCOIN, Mr. STOKES, Mr. GREEN, Mr. JEFFERSON, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mrs. COLLINS of Illinois, Mr. JONES of Georiga, Mr. BROWN, Mr. WALSH, Mr. WASHINGTON, Mr. BRYANT, Mr. MANTON, and Mr. GINGRICH):

H.J. Res. 159. Joint resolution authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. ERDREICH:

H.J. Res. 160. Joint resolution designating the week beginning April 15, 1991, as "Civitan International Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H.J. Res. 161. Joint resolution to provide for the designation of the week commencing on March 3, 1991, as "National Minority Financial Institutions Week"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mrs. BOXER, Mr. ACKERMAN, Mrs. SCHROEDER, Mr. STARK, Ms. PELOSI, Mr. SERRANO, Mr. SAVAGE, Mr. CONYERS, Mr. DIXON, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. FEIGHAN, Mr. RANGEL, Mr. EVANS, Mr. BRYANT, Mr. MRAZEK, Mr. GRAY, Mr. SPRATT, Mr. KOSTMAYER, Mr. FROST, Mr. ESPY, Mr. TOWNS, Mr. PAYNE of New Jersey, Mr. LIPINSKI, Mr. LEVINE of California, Mr. VENTO, Mr. MFUME, Mr. ROE, Mr. OWENS of Utah, Mr. BERMAN, Mr. DELLUMS, Mr. STOKES, Mr. FORD of Tennessee, Mr. FAZIO, Mr. EDWARDS of California, Mr. MINETA, Mr. LEHMAN of California, Mr. WAXMAN, Mr. BROWN, Mr. JEFFERSON, Mr. WHEAT, Mr. DE LUGO, and Mr. ANDREWS of Maine):

H.J. Res. 162. Joint resolution relating to the naval facility explosion at Port Chicago, CA, on July 17, 1944; to the Committee on Armed Services.

By Mrs. MINK:

H.J. Res. 163. Joint resolution apologizing to native Hawaiians for the overthrow of the Kingdom of Hawaii by the United States in 1893 and declaring the trust relationship between the United States and native Hawaiians; to the Committee on Interior and Insular Affairs.

By Mrs. VUCANOVICH (for herself and Mr. BILBRAY):

H.J. Res. 164. Joint resolution to require display of the POW/MIA flag at Federal buildings; to the Committee on Government Operations.

By Mrs. JOHNSON of Connecticut (for herself and Mr. BROOMFIELD):

H. Con. Res. 80. Concurrent resolution expressing the sense of the Congress that the February 10, 1991, vote in favor of independence represents the legitimate will of the Lithuanian people; to the Committee on Foreign Affairs.

By Mr. RAMSTAD (for himself Mr. MONTGOMERY, Mr. WEBER, Mr. GINGRICH, Mr. ARMEY, AND MR. RITTER):

H. Con. Res. 81. Concurrent resolution calling upon the United Nations to take all appropriate steps to try Saddam Hussein and his subordinates for all war crimes; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida:

H. Con. Res. 82. Concurrent resolution to express the sense of Congress concerning the role of United States forces in the liberation of Kuwait; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. MICHEL:

H. Res. 94. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. BROOMFIELD (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. LEWIS of California, Mr. VANDER JAGT, Mr. HUNTER, Mr. DICKINSON, Mr. SOLOMON, Mr. GILMAN, Mr. LAGOMARSINO, Mr. HYDE, Mr. BEREUTER, Mr. DORNAN of California, Mr. GOSS, Mr. GOODLING, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. GALLEGLY, Mr. HOBSON, Mr. CRANE, Mr. DREIER of California, Mr. ROTH, Mr. SCHULZE, Mrs. BENTLEY, Mr. PURSELL, Ms. MOLINARI, Mr. ROHRABACHER, Mr. RIDGE, Mr. DANNEMEYER, Ms. ROS-LEHTINEN, Mr. RITTER, Mr. HANSEN, Mr. KASICH, Mr. LIGHTFOOT, Mr. RAMSTAD, Mr. LEACH, Mr. CUNNINGHAM, Mr. COMBEST, Mr. BLILEY, Mr. HORTON, Mr. SLAUGHTER of Virginia, Mr. SENSENBRENNER, Mr. SMITH of Oregon, Mr. SHUSTER, Mr. PACKARD, Mr. EMERSON, Mr. YOUNG of Florida, Mr. BLAZ, Mr. HANCOCK, Mr. DAVIS, Mr. RINALDO, Mr. IRELAND, Mr. GILLMOR, Mr. CLINGER, Mr. SAXTON, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mrs. VUCANOVICH, Mr. GALLO, Mr. WALKER, Mr. SUNDQUIST, Mr. FAWELL, Mr. DOOLITTLE, Mr. MADIGAN, Mr. UPTON, Mr. TAYLOR of North Carolina, Mr. WALSH, Mr. RHODES, Mr. MORRISON of Washington, Mr. GUNDERSON, Mr. PAXON, Mr. ROGERS, Mr. BATEMAN, Mr. BARTON of Texas, Mr. HOLLOWAY, Mr. SMITH of New Jersey, Mr. SCHAEFER, Mr. MOORHEAD, Mr. HENRY, Mr. COLEMAN of Missouri, Mr. WOLF, Mr. MILLER of Ohio, Mrs. JOHNSON of Connecticut, Mr. BARRETT, Mr. PETRI, Mr. WYLIE, Mr. BAKER, Mr. WEBER, Mr. KOLBE, Mr. ZIMMER, Mr. DUNCAN, Mr. LENT, Mr. MCMILLAN of North Carolina, Mr. SHAYS, Mr. ARCHER, Mr. CHANDLER, Mr. LOWERY of California, Mr. SCHIFF, Mr. INHOFE, Mr. SKEEN, Mr. WELDON, Mr. LIVINGSTON, Mr. FIELDS, Mr. MCCANDLESS, Mr. LEWIS of Florida, Mr. MCDADE, Mr. GILCHREST, Mr. ARMEY, Mr. SPENCE, Mr. MCCRERY, Mr. STUMP, Mr. BALLENGER, Mr. ROBERTS, Mr. SMITH of Texas, Mr. HASTERT, Mr. MARLENEE, Mr. CALLAHAN, Mr. FRANKS of Connecticut, Mr. FISH, Mrs. ROUKEMA, Mr. GREEN of New York, Mr. DELAY, Mr. STEARNS, Mr. NICHOLS, Mr. HOUGHTON, and Mr. BOEHNER):

H. Res. 95. Resolution commending the President and United States and allied military forces on the success of Operation Desert Storm; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. ANDERSON (for himself, Mr. ABERCROMBIE, Mr. ANNUNZIO, Mr. AUCOIN, Mr. BARNARD, Mr. BRYANT, Mr. DE LUGO, Mr. EMERSON, Mr. FISH, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. GREEN, Mr. GUARINI, Mr. HARRIS, Mr. HENRY, Mr. HORTON, Ms. LONG, Mr. LOWERY of California, Mr. MATSUI, Mrs. MORELLA, Ms. PELOSI, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROEMER, Mr. ROYBAL, and Mr. WALSH):

H. Res. 96. Resolution to provide a comprehensive recycling program for the House of Representatives; to the Committee on House Administration.

By Mrs. BENTLEY (for herself, Mr. PURSELL, Mr. SCHULZE, Mr. DREIER of California, Mr. DORNAN of California, Mr. ROTH, Mr. BROOMFIELD, Mr. CRANE, Mr. RICHARDSON, Mr. SKELTON, Mr. TRAFICANT, Mr. DOOLEY, Mr. MAZZOLI, Mr. DEFAZIO and Mr. RAY):

H. Res. 97. Resolution relating to the return of U.S. forces from the Persian Gulf; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. GUARINI, Mr. YATES, Mr. STARK, Mr. DURBIN, Mrs. BOXER, Mr. BILBRAY, Mr. ABERCROMBIE, Mr. KOLTER, Mr. ECKART, Mr. HERTEL, Mr. ARMEY and Mr. MCNULTY):

H. Res. 98. Resolution expressing the sense of the House of Representatives that a portion of Iraq's oil wealth should be used to pay the costs of the allied military operations against Iraq, to indemnify noncombatant nations and individuals that suffered losses as a result of the conflict, and to pay the environmental cleanup costs associated with the conflict; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PALLONE introduced a bill (H.R. 1220) for the relief of Bintu Sankoh Williams; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. HOAGLAND, Mr. LAROCCO, Mr. MCCOLLUM, Mr. MFUME, Mr. MORAN, Mr. NEAL of North Carolina, Mr. VENTO, and Mr. WYLIE.

H.R. 77: Mr. GALLEGLY, Mr. FROST, Mr. THOMAS of Wyoming, Mr. SKEEN, and Mr. MCCANDLESS.

H.R. 78: Mr. CUNNINGHAM, Mr. BLAZ, and Mr. STEARNS.

H.R. 100: Mr. FORD of Tennessee, Mrs. BOXER, Mr. MFUME, Mr. JEFFERSON, Mr. ECKART, and Mr. ARMEY.

H.R. 127: Mr. KOPETSKI and Mr. WOLPE.

H.R. 257: Mr. JOHNSON of South Dakota.

H.R. 325: Mr. FAWELL, Mr. MARKEY, Mr. GONZALEZ, Mr. HOYER, Mr. KOSTMAYER, Mr. BLAZ, and Mr. BROWN.

H.R. 328: Mr. COOPER.

H.R. 394: Ms. KAPTUR, Mr. ENGEL, Mr. COSTELLO, Mr. DE LUGO, Mr. ECKART, Mr. FEIGHAN, Mr. FUSTER, Mr. HORTON, Mr. DORNAN of California, Mr. GILCHREST, Mr. KOLTER, Mr. LIVINGSTON, Mr. MILLER of California, Ms. PELOSI, Mr. RAHALL, Mr. TOWNS, Mr. WEISS, Mr. FISH, Mr. ACKERMAN, and Mr. CHAPMAN.

H.R. 483: Mr. FAZIO and Mr. HAMILTON.

H.R. 519: Mr. THOMAS of Wyoming and Mr. FROST.

H.R. 572: Mr. ENGEL.

H.R. 583: Mr. KOPETSKI.

H.R. 608: Mr. ECKART, Mr. VENTO, Mr. STARK, Mr. LUKEN, Mr. COX of California, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. FROST, Mr. TANNER, and Mr. MCEWEN.

H.R. 609: Mr. HAYES of Illinois, Mr. BONIOR, Mr. UPTON, Mr. HERTEL, Mr. ROE, and Mr. ANDREWS of Maine.

H.R. 690: Ms. NORTON, Mr. ABERCROMBIE, Mr. FISH, Mr. LEVINE of California, Mr. PAYNE of New Jersey, and Mr. SANDERS.

H.R. 695: Mr. JEFFERSON, Mrs. UNSOELD, Mr. MURPHY, Mr. RUSSO, and Mr. YOUNG of Alaska.

H.R. 701: Mr. MOORHEAD.

H.R. 736: Mr. DOWNEY.

H.R. 765: Mr. HYDE, Mr. RAVENEL, Mr. DELLUMS, Mr. BILBRAY, Mr. FROST, and Mr. MARTIN.

H.R. 769: Mr. CAMPBELL of Colorado, Mr. LAGOMARSINO, Mr. MARTINEZ, and Mr. SPENCE.

H.R. 770: Mr. CAMPBELL of Colorado.

H.R. 781: Mr. THOMAS of California.

H.R. 791: Mr. OWENS of New York.

H.R. 810: Mr. DWYER of New Jersey, Mr. FUSTER, Mr. MURPHY, Mr. ERDREICH, Mr. PERKINS, Mr. WYDEN, Mr. HERTEL, Mr. DEFAZIO, Mr. JOHNSON of South Dakota, Mr. DIXON, Mr. INHOFE, Mr. DURBIN, Mr. MURTHA, and Mr. KLUG.

H.R. 816: Mr. RUSSO, Mr. BOEHNER, Mr. RAVENEL, Mr. ENGLISH, Mr. SPRATT, and Mr. LIPINSKI.

H.R. 830: Mr. FROST, Mr. RAHALL, and Mr. BERMAN.

H.R. 843: Mr. OWENS of Utah, Mr. ABERCROMBIE, Mr. MARKEY, Mr. DWYER of New Jersey, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. HENRY, Mr. ENGEL, and Mr. SANDERS.

H.R. 844: Mr. ABERCROMBIE, Mr. MARKEY, Mr. DWYER of New Jersey, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. ENGEL, and Mr. SANDERS.

H.R. 846: Mr. MCDERMOTT, Mr. OBERSTAR, Mr. HERTEL, Mr. LANCASTER, Mr. FRANK of Massachusetts, and Ms. PELOSI.

H.R. 904: Mr. FUSTER, Mr. ABERCROMBIE, Mr. ESPY, Mr. BERMAN, Mr. DELLUMS, Mr. FORD of Tennessee, Mr. RANGEL, Mrs. BOXER, Mr. MARTINEZ, Mr. WHEAT, Mr. SERRANO, Mr. BONIOR, Mr. BROWN, Mr. MCNULTY, Mr. JONTZ, Mr. BILBRAY, Mr. WOLPE, Mr. JENKINS, Mr. GORDON, Ms. KAPTUR, Mr. TOWNS, and Ms. ROS-LEHTINEN.

H.R. 908: Mrs. SCHROEDER, Mr. ABERCROMBIE, Mr. HENRY, Mr. HUTTO, Mr. PICKETT, Mr. EDWARDS of Texas, Mr. SLATTERY, Mr. BILBRAY, Mr. WILSON, Ms. MOLINARI, Mr. PETERSON of Minnesota, Mr. MACHTLEY, Mr. OWENS of Utah, Mr. EVANS, Mr. BREWSTER, Mr. ANNUNZIO, Mr. RICHARDSON, Mr. LENT, Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Mr. PERKINS, Mr. FASCELL, Mr. PETRI, Mr. RAVENEL, Mr. JONES of North Carolina, Mrs. LLOYD, Mr. HORTON, Mr. SYNAR, Mr. ROE, Mr. PARKER, Mr. RANGEL, Mr. THOMAS of Georgia, Mr. SERRANO, Mr. VANDER JAGT, Mr. ACKERMAN, Mr. THOMAS of Wyoming, Mr. GEREN of Texas, Mr. ROWLAND, Mr. ERDREICH, Mr. DWYER of New Jersey, and Mr. BILIRAKIS.

H.R. 920: Mr. LEWIS of California, Mr. DREIER of California, and Mr. YOUNG of Alaska.

H.R. 993: Mr. HARRIS, Mr. GORDON, Mr. FRANK of Massachusetts, Mr. LEHMAN of Florida, Mr. BREWSTER, Mr. FUSTER, and Ms. MOLINARI.

H.R. 997: Mr. OWENS of Utah.

H.R. 1001: Mr. FIELDS, Mr. DANNEMEYER, Mr. GOSS, Mr. SCHIFF, and Mr. ZIMMER.

H.R. 1016: Mr. BOUCHER, Mr. JEFFERSON, Mr. BROOMFIELD, Mr. ARMEY, Mr. CAMPBELL of California, Mr. SKEEN, Mrs. BOXER, Mr. SMITH of Texas, Mr. MARTINEZ, Mr. SPENCE, Ms. MOLINARI, Mr. UPTON, Mr. SCHIFF, Mr. ZIMMER, Mr. PACKARD, Mr. GOSS, Mr. LOWERY of California, Mr. INHOFE, Mr. HASTERT, Ms. SLAUGHTER of New York, and Mrs. MINK.

H.R. 1072: Mr. MATSUI, Ms. SLAUGHTER of New York, Mr. OWENS of Utah, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BONIOR, Mr. FUSTER, Mr. ENGEL, Mr. SERRANO, Mr. MORAN, Mrs. UNSOELD, Mr. RAVENEL, Mr. HORTON, Mr. KILDEE, Ms. MOLINARI, Mr. BEILENSON, Mr. DELLUMS, Ms. PELOSI, Mr. FRANK of Massachusetts, and Mr. PAYNE of New Jersey.

H.R. 1073: Mr. MATSUI, Mr. GREEN of New York, Ms. SLAUGHTER of New York, Mr. OWENS of Utah, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. BONIOR, Mr. FUSTER, Mrs. UNSOELD, Mr. ENGEL, Mr. SERRANO, Mr. MORAN, Mr. RAVENEL, Mr. HORTON, Mr. KILDEE, Ms. MOLINARI, Mr. BEILENSON, Mr. DELLUMS, Ms. PELOSI, Mr. FRANK of Massachusetts, and Mr. PAYNE of New Jersey.

H.R. 1081: Mr. ROE, Mr. KLUG, Mr. MOODY, and Mr. COSTELLO.

H.R. 1110: Mr. TORRICELLI, Mr. TRAFICANT, Mr. RIGGS, Mr. LEHMAN of California, Mr. SOLARZ, Mr. OWENS of Utah, Mr. TOWNS, Mr. KLUG, Mr. FORD of Tennessee, Mr. SANDERS, Ms. SLAUGHTER of New York, Mr. ACKERMAN, Ms. SNOWE, and Mr. ANDREWS of Maine.

H.R. 1135: Mr. CHANDLER and Mr. MCNULTY.

H.J. Res. 95: Mr. WEISS, Mr. ANDREWS of Maine, and Mrs. ROUKEMA.

H.J. Res. 97: Mr. LANTOS and Mr. JEFFERSON.

H.J. Res. 128: Ms. SLAUGHTER of New York and Mr. RAVENEL.

H. Con. Res. 56: Mr. BACCHUS.

H. Con. Res. 58: Mr. RAMSTAD, Mr. GILCHREST, Mr. LAGOMARSINO, Mr. LANTOS, Mr. ZELIFF, Mr. SPRATT, Mr. LIGHTFOOT, Mr. BATEMAN, Mr. SCHEUER, and Mr. LIPINSKI.

H. Con. Res. 67: Ms. SLAUGHTER of New York and Mr. LIPINSKI.

H. Con. Res. 69: Mr. HANSEN and Mr. DANNEMEYER.

H. Res. 41: Mr. MCCRERY, Mr. RITTER, Mr. ROHRABACHER, Mr. SANTORUM, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. KOLBE, Mr. FAWELL, Mr. FRANK of Massachusetts, Mr. KYL, Mr. RAVENEL, Mr. ARMEY, Mr. LENT, Mr. DREIER of California, Mr. KOLTER, Mr. MCGRATH, Mr. LIPINSKI, Mr. LAGOMARSINO, Mr. HEFLEY, and Mr. RINALDO.

H. Res. 42: Mr. BLAZ, Mr. WALSH, Mr. MCNULTY, Mr. LIPINSKI, Mr. ERDREICH, and Mr. JONES of Georgia.

H. Res. 64: Mr. CRANE.

# 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.

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.

101ST CONGRESS, 1989 AND 1990

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

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|---|---|---|
| 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.●

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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.

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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.

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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.

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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.●

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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.●

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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.

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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.

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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.●

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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.•

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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.●

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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.•

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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.●

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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.●

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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.

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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.".•

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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.•

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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.

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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.

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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.*

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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.

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## 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.

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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.

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[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.
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> 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?
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> 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.

# EXTENSIONS OF REMARKS

## TRIBUTE TO KONAWAENA HIGH SCHOOL'S WORLD SOLAR CHALLENGE TEAM

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. MINK. Mr. Speaker, on October 27 of last year I rose to take note of the hard work and achievement of the students of Konawaena High School on the island of Hawaii that was about to compete in the World Solar Challenge, a race of solar-powered vehicles covering approximately 1,875 miles from Darwin to Adelaide across Australia's outback midsection from north to south. The race was held November 11–22 of last year. The Konawaena High School team, through hard work, creativity, and persistence, won the right to compete in the World Solar Challenge by winning the Tour of the Sun competition among five Hawaii high schools and one intermediate school held last summer at Kailua-Kona on the island of Hawaii.

Today, Mr. Speaker, I rise to update this House, to applaud the Konawaena High School solar car team for achieving what I consider to be the truly remarkable, and to thank those who made such an achievement possible.

After racking up 96 hours on the road and a nip and tuck battle throughout the 11-day race with a competing Australian high school, Hawaii's Konawaena High School team finished first in the race's high school division and 18th out of 38 vehicles overall.

This event was much more than a group of high school teams competing in a solar-powered vehicle race. This was a truly international event. It included entries from, or backed by, some of the world's largest automakers—like Honda and General Motors—some of the United States' most prestigious universities, and several large multinational corporations which had millions of dollars tied up in their vehicles. In short, Mr. Speaker, the students on the Konawaena High School World Solar Challenge team was pitted against some of the best engineering brains and best financed teams in the world. But that fact did not faze our team from Hawaii. What the Konawaena team lacked in financing it made up with creativity, ingenuity, hard work, and persistence.

The World Solar Challenge was a gruelling event for any vehicle, much less one designed and built by high school students with limited resources. Let me describe a little of what achieving such an honor involved. Imagine traveling on Australia's only cross-continental highway 9 hours a day through some of the most isolated and desolate regions of the world, stopping to camp in the barren outback each night. Imagine fierce headwinds, 106-degree temperatures, flies, heavy clouds and traffic adding to the difficulties for Konawaena High School's 320-pound car, named "Ka La Ikaika" or "The Powerful Sun."

Added to the hindrances provided by Mother Nature were mechanical challenges presented to the students. Let me take just a moment to cite just one example of how the students learned life's valuable lesson that success doesn't come without overcoming obstacles. it was during the time trials to determine starting positions in the World Solar Challenge race itself. As team after team completed the speed portion of the trials—brake and stability tests were to follow—the Konawaena pit crew worked under a scorching sun at trackside to repair motor and gear problems on their car. Had repairs not been completed by the late afternoon deadline, the car would have been eliminated from the race. But to the relief of everyone, the repairs were made in time and the Ka La Ikaika glided smoothly, silent, and swiftly across the starting line and into the speedway's measured portion. However, that wasn't the end of the team's obstacles to overcome. Motor and gear problems presented a constant challenge to the team throughout the race. Other mishaps included at least six flat tires, a shattered front axle, a minor fire in the cockpit, stripped gears, and a loose wire leading to a multitude of short circuts.

But there were triumphs too. For example, on the race's second day, Konawaena started out in last place but in the space of 6 hours "the Powerful Sun" had left 13 cars in its wake.

Mr. Speaker, every citizen of Hawaii and each Member of this body can also be proud of how the students conducted themselves during their trip to Australia. I would challenge any Member to cite a group that has conducted itself with more maturity and poise as ambassadors from their home State and their home country under sometimes very trying circumstances. The team received worldwide attention from more than 250 journalists from 12 countries. Wearing leis and aloha shirts, the team was always the center of attraction at the many prerace and postrace functions. Their behavior and deportment was flawless. I do not overstate the case when I say, Mr. Speaker, that the students behavior brought great honor to themselves, their community, their State and to this country.

Of course congratulations must first be given the members of the Konawaena High School solar car team making the trip to Australia. They are: Dominique Amae, Melita Bunghanoy, Tammy Delatorre, Wayne Fukunaga, Jr., Adrianne Grace, Erik Johnson, Denet Lewis, Leslie Lowe, Mandy McCasland, John Orr, Yuni Politz, and Sylvia Silva.

The Konawaena High School solar car team members also invited students from other high schools to make the trip to Australia. They were Greg Stephen-Hassard of Hawaii Preparatory Academy and Ann Tabieros of Farrington High School.

Mr. Speaker, tremendous congratulations and thanks goes to William Woerner, Konawaena High School physics teacher and head adviser of the school's solar car team. Assistant adviser is Konawaena High School teacher, Geoffrey Van Kirk. Appreciation must also go to Konawaena High School principal, Mae Yamasaki, whose overall support and encouragement played a key role in this tremendous effort. Also providing important overall encouragement and support was Hawaii Superintendent of Schools Charles Toguchi.

Performing yeoman's work in generating publicity, coordinating news coverage while the team was in Australia, and playing an important role in raising funds so the team and the Powerful Sun could make the trip was Herb Squires.

Other adults serving as sponsors, chaperones, and support team members were: Mary Beth Hilburn, a teacher at Konawaena High School; Paul Hilburn; Wayne Fukunaga, Sr.—father of team member Wayne Fukunaga; Stephen Murata, owner of a welding company, who contributed mightily to the hard task of keeping the car in running order: Dave Rezachek; Marguerite Rezachek; Summer Kirn; Budd Steinhilber; and Michele Stephen-Hassard—mother of Greg Stephen-Hassard.

Thanks should also go to the Hawaii Department of Business and Economic Development's [DBED] Energy Division for sponsoring the Ka'ahele La—Tour of the Sun—Interscholastic Photovoltaic-Powered Vehicle Competition in Hawaii. This program, believed to be the only one of its kind in the country, in a sense laid the foundation from which the Konawaena High School World Solar Challenge team built its success. The program encourages high school students across Hawaii to build and design solar-powered vehicles with the overall goal of providing multienergy education to Hawaii's young people. DBED provided technical assistance and the seed money with a $12,000 grant to each participating school to apply toward designing and building a solar-powered vehicle.

As I said earlier, the Konawaena solar car team competed with five other schools last July to win the Tour of the Sun competition, which gave the team the right to represent Hawaii in Australia. The other schools competing in last summer's Tour of the Sun competition were Hawaii Preparatory Academy and Na'alehu Intermediate School from the island of Hawaii and Pearl City High School, Roosevelt High School, and Farrington High School from the island of Oahu. The students on these other schools' teams had at least an indirect hand in the success of the Konawaena team.

Credit should also go to Jonathan Tennyson, a fan and designer of solar-powered vehicles from the island of Hawaii. It was largely

his idea for a solar-powered car competition in my State in the first place. That idea is what led to the worldwide honor and acclaim that has been accorded the Konawaena High School World Solar Challenge Team.

The late Tokutaro Amea, who passed away in April of last year, should also be recognized. He had been the Konawaena solar-powered car team's head technical adviser and mentor.

Mr. Speaker, I wish time would permit me to list all those who played a role in the success of the Konawaena High School World Solar Challenge Team. There were hundreds and hundreds of people who donated their time and money or both. There is also a long list of corporate sponsors to whom is owed a tremendous debt of gratitude. Among those on the list of corporate sponsors are: Continental Airlines; Aloha Airlines; Hawaiian Airlines; Kona Kai Coffee Farm; Big Island Welding; West Hawaii Today; The Hawaii Tribune-Herald; South Computer Center; B.&L. Bike; the Kona-Kailua Rotary Club; Hawaii Visitors Bureau; Wes Thomas & Associates; Dorothy's Secretarial Service, Dorothy Cabe, owner; HPM Building Supplies, Mr. Vern Berry, general manager; Matson Lines; and Hilton Hotels. These firms and all the others did such things as donate thousands of dollars' worth of in-kind contributions.

The individuals or organizations that time does not permit me to list at this time should in no way be interpreted to mean that their contribution was not every bit as important. It would not be possible for me to praise the Konawaena solar-powered car team today were it not for the contribution made by each and every contributor and/or volunteer.

In closing, Mr. Speaker, let me say that this event was more than an event to test the ingenuity and perseverance of a group of high school students, although that in itself is important. The World Solar Challenge event bodes well for the future of this country and of the world when you consider the fact that the Konawaena solar car team drove its solar-powered vehicle nearly 1,900 miles across some of the toughest country in the world using the equivalent of only 1½ gallons of gasoline.

Mr. Speaker, I am sure that you and our colleagues in the U.S. House of Representatives join me in expressing sincere congratulations to the Konowaena High School World Solar Challenge team and all those who made its success possible.

## SUPPORT FOR H.R. 5

### HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. HAYES of Illinois. Mr. Speaker, one of the most important pieces of legislation introduced in this session is H.R. 5. The bill will prevent the hiring of permanent strikebreakers and make it illegal to offer preferential benefits to strikers who cross picket lines.

The betterment of living and working conditions is at the heart of this legislation. The history of this country and other nations is full of examples where labor played an instrumental role in social progress. As a former union officer who worked his way up through the ranks, I am proud of that history; the 8-hour day, child labor laws, workplace safety, and civil rights are some of the ways unions advanced the dignity of labor.

The freedom of workers to voluntarily form unions and advance these causes—without threats or intimidation—is a fundamental right for all Americans. Fortunately, most of management remains committed to a fair, collective-bargaining process where both sides try to reach common agreement. The vast majority of negotiations reach successful resolution.

However, the last 10 years have produced a new breed of management which is dedicated to destroying organized labor. This new breed does not care about the devastating effects of permanent strikebreakers on workers' families or the surrounding community. One need only look at the misery inflicted by Eastern Airlines: communities torn apart, families ruined, and neighbor turned against neighbor. No one won; and Eastern, a great airline, is a footnote in history.

Let us end this tragic chapter in a positive fashion by preventing its repetition in the future. I urge my colleagues to look at H.R. 5. It is a bill with positive effects on the community and family.

## TRIBUTE TO LT. COL. JACK C. ZORKA

### HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. KOLTER. Mr. Speaker, today I rise before the House of Representatives to honor and pay very special tribute to Lt. Col. Jack C. Zorka, U.S. Air Force, retired, who will be honored and inducted into the Michael Kosar American Legion Post 778 Military Hall of Fame, Lyndora, PA, in my Fourth Congressional District on March 9, 1991.

Lieutenant Colonel Zorka was born on October 22, 1915 and is a life-long resident of Lyndora, PA. He attended Lyndora Public School and later Butler High School. Lieutenant Colonel Zorka received his college education from George Washington University and later attended a year-long special Air Force training school at the University of Pittsburgh.

Lieutenant Colonel Zorka enlisted in the regular Army in 1936 and was assigned to 1st Coast Artillery at Fort Sherman in the Panama Canal Zone. He entered Officers' Candidate School and graduated in October 1942, commissioned as a second lieutenant, along with other members: Clark Gable, Bill Holden, Bruce Cabot, Ronald Coleman, and baseball player Hank Greenberg.

He served in various assignments and was directly involved in the final inspection and acceptance of Air Force airplane assemblies built by Chrysler Corp. for the B–17, B–29, and B–26.

Discharged in 1946 as a captain, Lieutenant Colonel Zorka was later commissioned in the regular Army and assigned to the 20th Fighter Wing, Shaw AFB, SC.

He later served in Japan with the Occupation Forces and also in Korea during the war from 1950 to 1952. His other assignments were at Mitchel AFB, New York; the University of Pittsburgh; the Pentagon; 20th Fighter Wing, Wethersfield, England; and Warner Robins AFB, GA, where he retired as Lieutenant Colonel in 1967.

He was awarded the following decorations: Air Force Commendation Medal, Bronze Star Medal, American Defense Medal, Good Conduct Medal, World War II Victory Medal, Army Occupation Medal, Republic of Korea Service Medal, U.N. Service Medal, and National Defense Medal.

After many years of distinguished service, Lieutenant Colonel Zorka has recently moved to the Military Retirement Center in San Antonio, TX.

Mr. Speaker, it is with great pride that I address the noted accomplishments and distinguished service of Lt. Col. Jack A. Zorka today before the Congress. I join with my colleagues in wishing Mr. Zorka all the best that retirement has to offer, now that he has so unselfishly served his Nation, the just cause of democracy and the peace of the free world.

## MILDRED L. BOYCE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. TOWNS. Mr. Speaker, I am proud today to recognize an individual who has played a key role in increasing the growth and improvement of the Brooklyn education system, Mildred L. Boyce.

A native of Brooklyn, Ms. Boyce herself is a product of the educational system for which she has worked. She received her associate degree (1963), B.A. in humanities (1965), M.S. in education (1972), and an advanced certificate in administration and supervision (1975) all from Brooklyn College.

Upon earning her B.A., she began her career as an educator. Mildred Boyce had a great interest in education since the age of 7, when she conducted her own school by making paper dolls as students. She really enjoyed the idea that she was helping all of her students to learn. This sparked her desire to choose education as a career. From 1965 to 1977, she taught in P.S. 106. Here, she worked in various positions such as teacher, master teacher, and teacher of common branches.

In 1977, she began working at I.S. 383 as an English teacher. For a brief time, she left the classroom to work as acting interim assistant principal. This gave her the opportunity to see the distinctions between two very important positions in the education field. As a teacher she could plan her duties in detail. For example, as an English teacher she developed a syllabus for each grade to ensure that all the aspects of grammar were covered properly. However, the duties of a principal were so numerous that it was difficult to plan in great detail. Therefore, Boyce handled the difference by planning effectively in order to react when things occurred.

She continued as a teacher until 1984, when she became assistant principal of I.S. 383. She used her previous experience as interim assistant principal to prepare her for this promotion. Mildred's job included overseeing teachers, students, and methods of teaching. This was a different way for her to influence the quality of education of an even greater number of students.

She worked successfully as an assistant principal until 1989, when she was promoted to the position of principal of I.S. 383 Phillippa Schuyler Middle School for the Gifted and Talented. She is presently working in this position.

One of Ms. Boyce's long-term goals for I.S. 383 is to make the school No. 1 in New York City. Presently the school is ranked No. 3. In addition, she is working to motivate students who have potential to translate this potential to positive achievements.

In addition to her work as an educator, she has made personal contributions to the community. Mildred is active in several organizations that help improve educational quality. She has had such an extensive involvement in community organizations that she is frequently honored for her work. For instance, the 54th Democratic Club honored Mildred for her contributions in the field of education.

In the words of Ms. Boyce, her greatest joy is having her students come back after many years to say, "You have made a difference in my life." It is individuals like Mildred Boyce who have chosen careers in education that benefit the entire Nation. Her work within the educational system and the community are very necessary and do make a difference in everyone's life.

## THE CHILDREN'S AND COMMUNITIES' MENTAL HEALTH SYSTEMS IMPROVEMENT ACT OF 1991

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. MILLER of California. Mr. Speaker, today I am pleased to reintroduce the Children's and Communities' Mental Health Systems Improvement Act of 1991, with the support of more than 25 of our colleagues. And, I especially want to thank the National Mental Health Association for its leadership in the development of this legislation on behalf of children and youth with mental health problems.

The bill addresses the urgent need for comprehensive mental health services for children and youth with serious emotional disturbances. According to the Office of Technology Assessment, as many as 7.5 million American children have a diagnosable mental disorder and nearly half are deemed severely disordered or handicapped by their mental illness. In the course of a year, more than 100,000 children are placed in residential care facilities for mental health problems, and about 2 million receive mental health treatment in outpatient settings. Sadly, these children constitute only a fraction of the number believed to suffer from a mental health problem severe enough to require treatment.

The state of children's mental health services today is a national disgrace. Across the country, local mental health clinics are overwhelmed. Only the most violent and disturbed youth have a chance to get help. In some communities, children are placed on long waiting lists or in adult psychiatric wards because appropriate services are unavailable.

In the last Congress, the Select Committee on Children, Youth, and Families, issued a major study of children in out-of-home placement in the child welfare, juvenile justice, and mental health systems. This assessment revealed that the number of children in placement in all systems has risen dramatically over the last several years, and that children with severe emotional problems face a desperate lack of appropriate attention and services.

While the number of children in much more costly and inappropriate care has increased, effective community- and family-based interventions remain few and undersupported.

The evidence continues to grow that children can effectively be served in their own communities, and be maintained with their families, at far lower cost than residential treatment. A model program in Ventura County, CA, that provides well-coordinated, multiagency community services, has shown the effectiveness of such an approach in reducing the need for hospitalization. The project offset at least 66 percent of its cost by reducing other public agency costs. At the same time, it improved a variety of client outcomes including increased grade level functioning, fewer referrals to special schools, and a reduction in juvenile justice recidivism.

The bill we are introducing today provides grants to States on a matching basis to establish comprehensive systems of care at the local level to children and youth under age 22 with severe emotional disturbances. Services include diagnoses and evaluation, 24-hour emergency services, intensive home-based services, day treatment, respite care, therapeutic foster care, and transitional services. The services must respect special cultural needs, and may be provided by public or private nonprofit entities. Local child-serving systems of care will coordinate the provision of services and establish an office for admitting and following children in care.

This legislation builds on the growing record of success demonstrated by community-based services for children. It adopts a comprehensive, coordinated continuum of care that will operate in local communities where the children and families live and where their individual needs can be addressed. I look forward to our deliberations on this far-reaching measure and urge my colleagues to join me in its support.

The following provides a summary of the proposal:

SUMMARY OF THE CHILDREN'S AND COMMUNITIES' MENTAL HEALTH SYSTEMS IMPROVEMENT ACT OF 1991

This initiative amends title XIX of the Public Health Service Act to establish a program of grants to States to provide community-based, comprehensive mental health services to children with serious emotional disturbance. Grants would be made to States by the Secretary of the Department of Health and Human Services, acting through the National Institute of Mental Health. For the first fiscal year of the program (fiscal year 1992), the Secretary may make a maximum of 10 grants to States.

Under this Act, States must use the funds to establish and operate one or more systems of care for making mental health services available to children and adolescents under age 22 with a serious emotional disorder, a serious behavioral disorder, or a serious mental disorder. Fees for services will be assessed on a sliding scale based on family income, and children whose family income is equal to or less than 100 percent of the Federal poverty level will receive services at no cost.

REQUIRED SERVICES

The system of care developed under the grant must provide: diagnostic and evaluation services; outpatient services including individual, group and family counseling services, professional consultation, and review and management of medications; emergency services; intensive home-based services when the child is at imminent risk of out-of-home placement; intensive day treatment services; and respite care. Other required services include: therapeutic foster care, in-home services in foster family homes and small group homes, as well as assistance to a child in making the transition from the form of services received as a child to services to be received as an adult.

REQUIRED COLLABORATION

In addition, the system of care must enter into a memoranda of understanding with providers of other services which children may need including medical, educational, vocational counseling and rehabilitation services, and protection and advocacy services. Although funds under this bill cannot be used to pay for these other services, such services must be available to covered children as needed. Case management services must also be available to each child admitted to the system.

FUNDING

Funds for this State grant program are authorized at $100 million for fiscal year 1992, $200 million for fiscal year 1993, and $300 million for fiscal year 1994 and thereafter. Of the amount appropriated, $3 million is to be available for technical assistance. States receiving grants must match at least $1 from non-Federal sources for every $3 of Federal funds provided by the grant.

## INTRODUCTION OF THE PLATORO RESERVOIR BILL

### HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. CAMPBELL of Colorado. Mr. Speaker, I would like to revise and extend my remarks.

I am introducing a bill, cosponsored by members of the Colorado congressional delegation, which provides for the transfer of the Platoro Reservoir to the local irrigation district and provides for the enhancement of fish habitat in the Conejos River in southern Colorado.

The Platoro Reservoir was built in 1951 by the Bureau of Reclamation as a part of the San Luis Valley Irrigation Project. Because of the administration of the interstate Rio Grande compact, the reservoir has never been used.

The Conejos District will make an advance lump-sum payment of $450,000 to the Federal

Government for the right to operate this Federal project. This sum represents the present value of the district's future obligations under its repayment contract, taking into account the Federal savings in operation and maintenance costs because the district, will be responsible for operating, maintaining, and repairing the dam. The district believes that after assuming the risk and responsibility for making this irrigation project work, they can implement an aggressive local water management program to realize the project's irrigation benefits.

This bill is also intended to end a longstanding environmental problem caused by the original construction of the reservoir; namely, maintaining satisfactory instream flows in the Conejos River for fish and wildlife.

The Platoro was designed in the 1930's and 1940's; it was built in 1951—all before NEPA or the Fish and Wildlife Coordination Act. No instream flows were provided below the dam. This bill requires the Conejos District to provide instream flows by releasing water that would have been used for irrigation. This reduced yield for irrigation will be compensated by the further reduction in the lump-sum payment price.

The State of Colorado will manage the water rights protecting these released waters. Because of the State's provision of low-interest financing to the Conejos District, the result is a three-way shared responsibility to provide for the enhancement of the Conejos' fish habitat.

I am also delighted that the ground work is being laid for negotiations to designate the Conejos River as wild and scenic.

As you know, the Forest Service has completed an eligibility study and determined that only 35 cfs was required to maintain a wild and scenic river, and our bill mandates a minimum stream flow of 40 cfs, with at least an additional 5 cfs during the winter. This makes the Conejos a de facto wild and scenic river.

For nearly 40 years the water in Platoro Reservoir has been wasted because water simply fills the reservoir, then is released so that it does not spill over the top. This is a crime because the Conejos Valley is one of the poorest in the country with unemployment averaging around 20 percent. This bill will allow the valley's farmers to use the water to grow crops and allow it's residents to use the fish and wildlife enhancement provisions to attract visitors to the region. It is seen as a key economic development issue and the Colorado General Assembly has overwhelmingly provided funding to the district in the form of a loan package to allow this transfer to go forward.

The Conejos District is ready to meet the challenge of being directly responsible for the success of the project. This bill gives the district the opportunity to free itself from Federal bureaucratic heel-dragging that has made the operation of the reservoir nearly impossible.

This bill deserves to be judged on its merits. The local water users are willing to take a Federal irrigation project which has not worked and assume responsibility for its success. This bill makes good sense for both the Federal Government and the Conejos District and I urge you to support it.

## A TRIBUTE TO ROBERT C. WINTERS

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. ROUKEMA. Mr. Speaker, Saturday, March 2, 1991, the friends and supporters of the Northwest Bergen/Ramapo Valley Chapter, the Essex Chapter and the Central Bergen Chapter of the American Red Cross will pause to salute the volunteers that have built these chapters into the effective organizations that they are today. I would like to call to the attention of my colleagues one of these honorees, Robert C. Winters.

Bob Winters has had a most successful career in the insurance industry. Since joining the Prudential Insurance Co. of America in 1953, Bob has risen to the post of chairman and chief executive officer. While pursuing his career, however, Bob has endeavored to dedicate time to both his family and his community.

In addition to his service to the Red Cross, Bob finds time to serve on the board of both the American Council of Life Insurance and the United Way of Tristate serving as the chairman of the tristate campaign for 1989. Bob is also a member of the New Jersey State Chamber of Commerce and has served as chairman of the Greater Newark Chamber of Commerce.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, the rewards freely given by ones peers. And that is why the supporters of the Red Cross in northern New Jersey will gather this week to recognize Bob Winters. I ask my colleagues in the House to join in that recognition.

## CAL STATE HAYWARD CELEBRATES ITS INAUGURATION WEEK

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. STARK. Mr. Speaker, during the week of May 13–17, California State University Hayward, in California's Ninth Congressional District, will hold its inauguration week. This week will celebrate the investiture of Cal State Hayward's third president, Dr. Norma Rees. Dr. Rees was selected as Cal State Hayward's first woman president out of a field of 150 applicants by the State University system trustees after a national search that began in October 1989.

Cal State Hayward was established in 1957 and is part of the 20 campus California State University system. The university has a budget of $60 million and a curriculum of 37 major fields of study with 22 masters degree programs. The Hayward campus currently has 13,000 students and 650 faculty members; 83 percent of the student body is drawn from public and private high schools in the surrounding Alameda and Contra Costa Counties.

Dr. Rees comes to Cal State Hayward from the Massachusetts Board of Higher Education. She received her B.A. in speech pathology and audiology from Queens College, her master's in speech pathology and audiology from Brooklyn College and her Ph.D., in speech from New York University.

Dr. Rees is a veteran academic administrator and has held numerous professional positions including, most recently, vice chancellor for academic affairs, policy, and planning, Massachusetts Board of Regents of Higher Education. She held that position from 1987 to 1990. She has also held the position of special assistant to the president at the University of Wisconsin from 1986 to 1987, acting chancellor of the University of Wisconsin-Milwaukee from 1975 to 1986, and vice chancellor for academic affairs, University of Wisconsin-Milwaukee. From 1982 to 1987, she was a professor at the University of Wisconsin and from 1953 to 1982 she held professorships at a number of other colleges including Hunter College and Queens College. During this time she also served as the dean of Graduate Studies at CUNY.

Dr. Rees has also served in a number of professional societies and community groups including; the American Association for Higher Education, the American Speech and Hearing Association, the American Association of University Professors, the board of directors of the American Red Cross-Greater Milwaukee Chapter, the board of directors, the Milwaukee YWCA, the board of directors of the council on postsecondary accreditation.

She has received many honors, among them: Phi Beta Kappa, 1951; Fellow of the American Speech and Hearing Association in 1971; Who's Who in America and, Who's Who in American Women. In 1977, she received honors from the New York State Speech and Hearing Association, and in 1986, she received honors from the American Speech-Language-Hearing Association.

Dr. Rees has published dozens of articles including: "Communication Skills: Voice and Pronunciation", "The Role of Babbling in Language Acquisitions," "A Talent for Language," "The Speech Pathologist and the Reading Process," "Development of a First Language in a Deaf-Blind Adult," and "Implication of Vowel and Dipthong Distortion."

One of Dr. Rees' priorities as president is to boost enrollment at Cal State Hayward. Currently, enrollment is about half of its capacity. In September 1990, the Hayward campus enrollment was 12,825 students—just about half of the 25,000 that the school was designed to accommodate. Because a university study of Alameda and Contra Costa Counties predicts that the number of people in the 15 to 29 age group will decline by 30,000 by the year 2000, despite a 26-percent growth in the population, Dr. Rees also plans to reach out to nontraditional students.

Mr. Speaker, I rise today to congratulate Cal State Hayward on its inauguration week and to wish President Rees the best of luck in her new position.

## THE FOURTH ANNUAL CONFERENCE ON FEDERAL QUALITY IMPROVEMENT

### HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. RITTER. Mr. Speaker, like their counterparts in the private sector, executives, managers, and employees in the Federal Government have awakened to the need to do business in a new way—they have made a commitment to total quality management [TQM]. The 1990's quest for quality in the Federal Government aims to provide more effective delivery of all services, improve overall productivity, and, ultimately, assure more satisfied customers.

To help Federal managers stay abreast of the latest TQM methods and applications, the President's Council on Management Improvement [PCMI] and the Federal Quality Institute [FQI] are cosponsoring the fourth annual Conference on Federal Quality Improvement. The conference will be held at the Grand Hyatt Hotel in Washington, DC, May 29–31, 1991.

The theme of the 1991 conference is "Leading for High Performance in the 1990's." An ambitious agenda will focus on TQM implementation in both the public and private sectors. The Federal Government's high quality organizations will be honored at the conference and they will share their award winning quality approaches with conference participants.

Quality could have very positive results for Federal employees and taxpayers alike. Billions of dollars and better service is at stake. Just look at the impact of quality on performance of our military in the Persian Gulf. As Vice President QUAYLE reminded the attendees at last year's conference:

> . . . We must establish a firm commitment to Total Quality Management and the continuous quality improvement principles. Taxpayers have every right to expect and demand high quality—and that is what we must deliver.

I personally believe in the FQI's commitment to promote the quality philosophy throughout the country. The PCMI and the Federal executive boards [FEB's] will also sponsor regional quality conferences throughout 1991 in the following locations; Kansas City, New Orleans, Dallas, Denver, Seattle, and Philadelphia.

For additional information about: First, the TQM effort within the Federal Government; second, the national conference; or third, any of the regional conferences, contact Karen Norrell, Federal Quality Institute, P.O. Box 99, Washington, DC 20044–0099 or 202–376–3747.

## PERICLES CRISS: BUILT RESPECT FOR AMERICA

### HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. PICKLE. Mr. Speaker, it is ironic that the death of one of the 10th District's most respected citizens, Pericles Criss of Austin, TX, would focus attention on the fact that the American dream and the American promise is alive and well.

Pericles was a Greek immigrant from Cyprus who came to America after World War II. Landing on Ellis Island, he was filled with hope to better himself and better his life. He more than succeeded, in that in the more than 40 years he lived in his adopted home he left a legacy of serving the common good in my central Texas community and inspiring several generations of Americans, Greek nationals, and Greek-Americans.

After he had worked his way through the University of Texas and established himself in various business endeavors, Pericles dedicated himself to a life-long task of helping others. In his early years, Pericles served up encouragement, support, and counsel to a stream of young Greeks and American students to pursue their education and to contribute back something to society. Through his sponsorship, many students came to Austin, where they found Pericles, who had helpful advice and cheerful and friendly meals, and more often than not a few dollars to tide them over. The generation of students graduated from many of Texas' colleges and universities has gone on to produce successful artists, lawyers, economists, teachers, and engineers.

A man with a mellow sense of humor, Pericles had a fostering way that affected all those who came in contact with him. He was never too busy to do a favor for those he knew well and for those he hardly knew.

In the years before his death, Pericles was active in the arts—supporting community theater and civic events with the same sincere manner that he gave of himself to nearly everything. His life is an example to all of us that it takes a special person to rekindle the vision of our great Nation as a land of opportunity and promise. His death is a somber reminder that there are still those special people among us who leave this world in better shape than they found it because of their unique contributions.

## QUESTIONS AND ANSWERS ON RTC BURDEN-SHARING AMENDMENT

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. KANJORSKI. Mr. Speaker, on Tuesday, February 26, 1991, a bipartisan majority of the House Banking Committee voted 28 to 16 to pass my burdensharing amendment to the RTC funding bill. Due to the importance of this issue to American taxpayers who are sick and tired to paying for the mistakes of others, I would like to provide my colleagues with the answers to some of the most commonly asked questions about my burdensharing amendment.

Question. How would the amendment work?

Answer. States which have been responsible for "excessive costs" due to the clean-up of their state-chartered thrifts would pay a federal deposit insurance premium if the state wishes to have federal deposit insurance for its state-chartered institutions.

Question. What are "excessive costs."?

Answer. "Excessive costs" are when a state's share of clean-up costs are more than double its share of total state-chartered thrift deposits in the base year.

Example: If a state's share of total state-chartered thrift deposits is 5 percent, it does not have any excessive costs unless its share of the clean-up is more than 10 percent.

Question. Will states be responsible for the cost of cleaning-up federally-chartered thrifts?

Answer. No, that cost is paid exclusively by federal taxpayers.

Question. What proportion of the total clean-up is the result of failures of state-chartered thrifts?

Answer. State-chartered thrifts are responsible for 45 percent of total nationwide clean-up costs to date.

Question. Will states be responsible for the full cost of cleaning-up their state-chartered thrifts?

Answer. No. Since the "dual banking" system is a partnership, the amendment provides for cost-sharing on terms that are very beneficial to the states. The federal government will continue to pay 100 percent of clean-up costs up to twice a state's share of total state-chartered thrift deposits. The federal government will also pay 75 percent of the amount above that threshold. States pay just 25 percent of the amount above the "excess cost" threshold.

Example: A state with 5 percent of total state-chartered thrift deposits pays nothing until the cost of cleaning-up its state-chartered thrifts exceeds 10 percent of the total nationwide clean-up costs. It then pays 25 percent of costs above that amount. If the state is responsible for 18 percent of the total national costs, it would thus pay 2 percent [18 percent minus (2 x 5%) times .25=2%].

Question. Why should the states be responsible for any part of the cost of the clean-up?

Answer. Because some states were irresponsible in issuing charters, granted overly broad and risky powers, and were lax in both their supervision and examination. It is primarily these states where most of the failures occurred. They are the ones who would have to pay under this amendment.

Question. Is there a precedent for this kind of payment?

Answer. Yes, when states run out of unemployment insurance funds they borrow additional funds from the federal government. Employers in the state must pay a special unemployment insurance surcharge until the borrowed funds are repaid. In this case states are penalized even though their policies and actions may not have contributed to the unemployment problem in any way. In the S&L case, by contrast, we know that state policies frequently contributed to the problem, yet the states are getting the functional equivalent of a free lunch.

Question. Can a state elect not to pay its state deposit insurance premium?

Answer. Yes, participation is voluntary. However, if a state elects not to pay, its state-chartered institutions will lose their federal deposit insurance. The state can then provide its own deposit insurance, or its state-chartered institutions can convert to federal charters.

Question. Can consumers lose access to federally-insured institutions?

Answer. No, because there are federally chartered, federally insured institutions in all 50 states.

Question. Isn't this "Texas bashing?"

Answer. No. Texas is treated like all other states. If Texas pays more under this amendment it is simply a reflection of its contribution to the problem.

## TRUST RELATIONSHIP FOR NATIVE HAWAIIANS

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. MINK. Mr. Speaker, I rise today to introduce legislation which asks the Congress on behalf of the people of the United States to apologize for the fundamental injustice committed to the native Hawaiians by the forcible overthrow of the Kingdom of Hawaii in 1893.

History records the fact that the United States, through its official representatives, participated in activities, including armed intervention, in the overthrow of the Kingdom of Hawaii on January 7, 1893. The United States violated the sovereignty of the Kingdom of Hawaii and the principles of international law regarding the internal affairs of another nation. By the annexation of the Republic of Hawaii in 1896, the United States took ownership and control of over 2 million acres previously belonging to the Republic and Kingdom of Hawaii.

Congress needs to understand this history of Hawaii. This resolution emphasizes the existence of a special trust relationship between the U.S. Government and native Hawaiians because of this history. This trust requires acceptance of responsibility by the Congress for the well-being of native Hawaiians and for the restoration of their lands.

The 200,000 native Hawaiians living in Hawaii have waited too long for recognition of their special suffering and of their special expectation that the trust responsibility yield active response to their needs for return of their lands, for health and education programs which are dedicated to their communities.

## ENACT FEDERAL FAMILY LEAVE BILL

### HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. HAYES of Illinois. Mr. Speaker, recently Francine D. Blau and a colleague from the University of Illinois completed an extensive study on the effects of parental leave on young children. Based on her results, the Chicago Sun-Times wrote the following editorial in support of family and medical leave—passage of which is long overdue:

ENACT FEDERAL FAMILY LEAVE BILL

Mothers who work outside the home have at least two things in common when their kids are preschoolers—conflict and guilt.

A recent University of Illinois study may help reassure parents who have to work when their children are still infants. It also should make Congress feel guilty for not resurrecting the family leave bill that was vetoed last year by President Bush.

Although there have been numerous studies about the effects of working mothers on their children, they've reached vastly different conclusions about home-reared and day-care kids. Their test scores, their levels of aggression and independence, their incidence of illness and their over-all emotional development have been examined, argued and worried about.

What's different about the U. of I. study by labor economist Francine D. Blau is that it distinguishes the effects of a mother's working in the first year and in subsequent years of a child's life.

When Blau and her fellow researcher looked at children whose mothers worked throughout the infant's first year, they found those children scored about 6 percent lower than children whose mothers hadn't worked. The research involved a picture vocabulary test that was given to 3- and 4-year-old children.

But when they looked at mothers who were home the first year after giving birth but worked the second and third years, they found their children scored about 4.5 percent higher than those whose mothers hadn't worked during those two years.

Blau says the results suggest that as children get older they benefit from the stimulation of day care but that a mother's care is ideal for a child's first year.

Only one thing is missing. Many employers don't provide maternity leave as a benefit. So for many women, it's often a case of having to return to work after giving birth than wanting to. In 1988, 52 percent of all women with 1-year-old or younger infants were in the labor force.

In the family leave bill passed by Congress last year and then vetoed, firms that employ 50 or more people would be required to give unpaid time off of up to 12 weeks for births, adoptions or family medical emergencies. Congress should try again this year.

## CONSOLIDATED EDISON SALUTES BLACK HISTORY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. TOWNS. Mr. Speaker, today is the last day of February and marks the close of Black History Month in 1991. As chairman of the Congressional Black Caucus, I have had the opportunity to participate in a number of wonderful programs and events that highlight the contributions and successes of African-Americans from all walks of life. Also during this month, I have been reminded of the many challenges that face the black community here in the United States. I am confident that those challenges will be met and that obstacles will be overcome, and I firmly believe that the key to the future rests with education.

African-American children must be encouraged not just to remain in school but to excel in school. Today I want to salute a program sponsored by Consolidated Edison Co. of New York that encourages African-American and Hispanic-American students to excel by giving them daily reminders where it counts.

For the past 20 years Con Edison has helped New Yorkers celebrate Black History Month by sponsoring lectures in public library branches and other locations, and producing "Pride and Heritage" book covers, which are distributed by area libraries, schools, and the community.

The series of seven book covers feature drawings and short biographies of 14 famous black Americans, including Bessie Coleman, the world's first black licensed pilot; Dr. Ralph Bunche, United Nations statesman and Nobel Peace Prize Laureate; Esteban, the explorer who discovered Arizona; Fannie Lou Hamer, civil rights leader; Lorraine Hansberry, playwright; Langston Hughes, poet and writer; Dr. Martin Luther King, Jr., human rights leader and Nobel Peace Prize winner; Lewis Howard Latimer, electrical engineer and Thomas Edison's assistant; Ronald E. McNair, astronaut; C.B. Powell, founder and first publisher of the Amsterdam News; Paul Robeson, actor, athlete, scholar, and human activist; Arthur A. Schomburg, scholar; Henry Ossawa Tanner, artist; and Madame C.J. Walker, one of America's first self-made millionaires.

Con Edison has distributed nearly 11 million book covers over the past 20 years within New York City and Westchester County, and another 750,000 are expected to be distributed this year through libraries, community centers, and schools. The impact of such a worthwhile endeavor is hard to gauge. But I can't help but think that scores of students studied harder, longer, and with more spirit as they were reminded of some of the inspiring African-Americans that have preceded them.

I want to salute Con Edison, its chairman, Gene McGrath, and all those that make this inspiring and worthwhile project happen.

## PORT CHICAGO SAILORS DESERVE A REVIEW

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. MILLER of California. Mr. Speaker, I am today introducing a resolution calling upon the Secretary of the Navy to initiate immediately a review of the facts surrounding the mutiny convictions of 50 black Navy sailors following the disastrous Port Chicago explosion of 1944.

Few Americans remember, or have even heard of, the explosion at the Port Chicago weapons facility on July 17, 1944. For residents of Contra Costa County and much of northern California, the still unexplained detonation of armaments on two victory supply ships was one of the great tragedies of World War II. The blast killed 320 sailors, over 200 of them blacks who were exclusively charged with the hazardous responsibility for loading ammunition onto transport ships at the port. The Port Chicago explosion resulted in the largest domestic loss of life during World War II.

Recent research, including a book, "The Port Chicago Mutiny" by Robert Allen, and two television documentaries, have not only established the story of the disaster, but also documented the pervasive racial prejudice that surrounded the trials of 50 black sailors who refused to resume loading operations because they feared unsafe conditions that had contributed to the explosion. Those dangerous prac-

tices included a near absence of training, and the use of a speed up competitive system for loading of the armaments that minimized safety.

Over 20 Members of Congress, many of them members of the black caucus, joined me last year in requesting Navy Secretary Lawrence Garrett to use his authority to reopen the cases of the court martialed sailors. The Congressional Research Service's legal division conducted an extensive review to determine whether the Secretary possesses sufficient authority under the Uniform Code of Military Justice to initiate a review of the original trials and convictions. Despite several legal opinions from Congressional Research Service and private attorneys, Secretary Garrett has repeatedly refused to reconsider the Port Chicago cases.

At a time when black Americans are again, in disproportionate numbers, willingly accepting the risks of defending our Nation, we owe it to the veterans of Port Chicago to assure that they receive justice and the timely attention of their Government to a possible wrong committed over four decades ago.

Many of the convicted men are now elderly and in deteriorating health. Little time exists to continue the legal bantering about whether the Secretary currently has the authority to review the cases. My legislation would clearly direct the Secretary, notwithstanding any other provisions of law, to initiate a review of the Port Chicago case and to make a recommendation whether original verdicts and sentences should be considered or overturned.

I would hope that this legislation will be enacted by the Congress without further delay. A full and impartial review will not only provide an opportunity to determine whether justice was truly done, but will also focus public attention on this long ignored, but important, chapter in the history of World War II.

## PROCEDURES USED BY THE NATIONAL MEDIATION BOARD NEEDS CHANGING

### HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. KOLTER. Mr. Speaker, I rise today to introduce legislation that will correct a serious flaw in the procedures used by the National Mediation Board [NMB] in determining elections to select union representation for employees covered by the Railway Labor Act [RLA].

The NMB is interpreting an organizing/collective provision of the RLA to mean that an organized labor representative must receive votes from a majority of those eligible to vote, not by a majority of those who actually do vote. They define majority by requiring 50 percent plus 1 of the eligible employees to mail back valid ballots to elect a bargaining representative. For example, if there are 1,000 eligible employees, 501 valid ballots must be cast for the NMB to certify a representative as the employees' bargaining agent. If only 500 cast ballots, the NMB would find that a majority of eligible employees did not favor representation. Thus the 500 who did not case ballots would be treated by the NMB as votes against representation. Because the RLA does not define "majority" but does permit the NMB to establish the rules for any representation election, the manner in which the NMB counts ballots has been upheld by the courts as an exercise of agency discretion not explicitly contrary to the RLA's language.

My bill will only add three words to title 45, section 152, subsection 4 of the United States Code. This provision now begins as follows:

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this act.

This legislation will amend the provision to read:

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees *who cast ballots* shall have the right to determine who shall be the representative of the craft or class for the purposes of this Act.

Adding these three words will assure that congressional intent is observed by the NMB in deciding these elections.

The manner in which the NMB chooses to count ballots plainly and unduly impedes representation of employees by a labor organization. The Teamsters Union has been involved in two campaigns to represent the fleet service employees of USAir following the merger with Piedmont. It is the certified representative of the fleet service employees on premerger USAir and was the only labor organization on the ballot. In the first election, January 1990, there were 8,002 eligible employees. The Teamsters needed 4,002 valid ballots to be certified but only 2,425 were received by the NMB. Because the NMB found that USAir had unlawfully interfered with the employees' right of free choice, a second election was scheduled. The number of eligible voters dropped to 7,236. This time the Teamsters needed 3, 619 valid ballots, but the NMB only received 2,550 during the December 1990 rerun election.

Mr. Speaker, similar results have been experienced at America West by the Association of Flight Attendants and at Federal Express by the Air Line Pilots Association. In each instance the employees who wanted representation were required to take the affirmative steps necessary to vote. Under the 50 percent plus 1 rule, the NMB presumed that those employees who did not return ballots were voting against representation. According to this NMB procedure, employees who do not wish to be represented by a labor organization simply do nothing. They supposedly vote by silence rather than in writing.

The NMB procedure does not take into account employees who are indifferent, neutral, or uncertain. In a normal political election the silent electorate, those that stay home, are considered the uncertain, neutral or indifferent voters. In a NMB election, this is not an option.

My legislation adding three words to the RLA would change the meaning of the word "majority" to its normal meaning in our society. By adding the words "who cast ballots," the representation question would be answered only by those eligible employees who actually voted by returning their ballots to the NMB. In response to this amendment, the NMB may feel compelled to change the ballot in such a way that those employees wishing to vote against representation would also have a box to mark and would also have to return their ballots to the NMB in order to be counted. The presumption that those who do not vote are voting against representation by silence would be eliminated by my proposal.

Moreover, my proposed amendment would require that the voting majority determines the question of representation for the entire bargaining unit. Under the National Labor Relations Act, the NLRB counts the votes for representation and the votes against representation. Whichever wins more than 50 percent of the vote, that is, the majority, prevails in the election. Those who did not bother to vote are not counted. Similarly in congressional and other political elections in the United States, the winner is the candidate who obtains the majority of the votes cast. Those citizens who stay away from the polls are not included in the tally. If public officials were only elected if a majority of their constituents participate in the election process, very few would be elected.

My proposed amendment to the RLA, requiring the majority of employees "who cast ballots" to determine whether the bargaining unit will be represented, will provide fairness to a process tilted against employees seeking to be represented by a labor organization and is consistent with American democratic principles.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation to replace inequity with fairness in the election procedures used by the National Mediation Board.

## MEDICARE SKILLED NURSING FACILITY AND HOME HEALTH BENEFIT ACT OF 1991

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. STARK. Mr. Speaker, today I am introducing a bill, along with my colleagues Mr. MOODY, Mr. CARDIN and Mr. COYNE, to provide modest but necessary improvements in the Medicare home health and skilled nursing facility benefits.

The bill includes two benefit changes that were originally included in the Medicare Catastrophic Coverage Act of 1988 and were subsequently repealed in the Medicare Catastrophic Coverage Repeal Act of 1989: the expansion of Medicare's home health benefit to 38 days and the elimination of the 3-day prior hospitalization rule for skilled nursing facility [SNF] benefits.

These provisions, if enacted, would provide substantial relief to the sickest and frailest Medicare beneficiaries. For many Medicare beneficiaries, home health and skilled nursing facility benefits facilitate recovery from an acute illness and enhance rehabilitation.

The first provision of this bill would expand the Medicare home health benefits by provid-

ing for daily home health services for a period of up to 38 days.

Under current law, a Medicare beneficiary may not be considered eligible for any home health services if the patient's physician believes that services would be necessary on a daily basis or that daily services would be required for an undetermined period of time.

If, for example, the patient's physician indicates that services are needed 7 days per week but is unsure for how many days services are required, it is unclear whether such a patient would be considered eligible for any Medicare covered home health benefits. Unless the physician can be specific about the number of days services will be needed, the patient may not be considered eligible for services at all.

This bill would clarify that patients who need daily visits, up to 7 days a week, for a 38-day consecutive period, would be considered eligible for Medicare-covered home health services. I am told that this provision will be particularly beneficial for patients requiring post-surgical wound irrigation and patients with leg ulcers.

The second provision of this bill would eliminate a requirement in current law that prohibits Medicare coverage of skilled nursing facility [SNF] stays without a prior hospitalization of 3 consecutive days.

The 3-day prior hospitalization rule makes no sense. It establishes a perverse incentive to admit patients into a hospital for the sole purpose of obtaining Medicare coverage once discharged from the hospital and admitted to a SNF. In many cases, such hospital admissions are clinically inappropriate and costly. Medicare beneficiaries should not be sent into a hospital in order to be covered for a subsequent SNF admission—when hospital services appear to be unnecessary. What's worse, patients admitted to the hospital are forced to pay the hospital deductible, now set at nearly $600, when the hospital admission was only necessary for the purpose of obtaining Medicare SNF coverage.

A few examples illustrate the type of patients particularly burdened by the current 3-day rule. As a first example, Medicare beneficiaries who undergo complicated outpatient procedures, and require additional skilled care to facilitate recovery, are not covered under Medicare for SNF level care unless they were first admitted to a hospital for a minimum of 3 consecutive days. Patients undergoing outpatient surgical procedures may be most likely to benefit from the level of care provided in a SNF.

As a second example, some beneficiaries who receive Medicare covered home health services may experience a deterioration in their condition while at home and require more intensive treatment offered in a SNF. Despite the clinical appropriateness of SNF level care, such an individual would not be covered under Medicare unless they were first admitted to a hospital.

My proposal would eliminate this cumbersome 3-day prior hospitalization rule. As under current law, skilled nursing facility coverage would be allowed for patients requiring such services on a daily basis, with no copayments for the first 20 days of SNF care, and copayments imposed for stays between 21 to 100 days. In 1991, the SNF copayment is set at $78.50 per day.

There is now substantial evidence that Medicare beneficiaries are being discharged from hospitals with greater needs for post-acute services. While such patients do not need the intensity of services provided in hospitals, they nonetheless necessitate skilled services at home or in nursing homes to allow them to recover from an illness or become more functionally dependent.

Mr. Speaker, neither of these provisions should have been repealed in 1989 when the Congress repealed the Medicare Catastrophic Act of 1988. These relatively modest benefit improvements would provide needed reforms in the Medicare Program.

I urge my colleagues to join us in support of this bill.

## BLANCO: PRESERVING TEXAS HILL COUNTRY HISTORY

### HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. PICKLE. Mr. Speaker, every region of this Nation has its own treasured and unique heritage, passed down from early settlers and enriched by each succeeding generation. This regional history is a priceless gift, and nowhere in the country is it more fiercely protected than in the Hill Country of central Texas.

I want to call the attention of my colleagues to just one example of how the families of one Hill Country community joined together against formidable odds to preserve an architectural treasure. Faced with the sale of their 94-year-old courthouse building to a private businessman, nine residents of the small community of Blanco formed the Old Blanco County Courthouse Preservation Society. The society joined forces with the LBJ Heartland Council, a regional organization dedicated to the protection and enhancement of the Hill Country heritage. The Preservation Society, with the council's help, received one of only two $100,000 loans approved by the National Trust for Historic Preservation. Another $84,000 was raised from local sources, and the society finally was able to purchase the old courthouse. I am proud to have played a small role in preserving this historic landmark, which the society now plans to convert the courthouse into a regional heritage center.

Mr. Speaker, I want to recognize the outstanding contributions of the individuals who really made this preservation effort a reality. The leaders in this effort were the members of the Old Blanco County Courthouse Preservation Society, presided over by Jo Nell Haas, and her board of directors, including vice president Kay Smith, Dan Ward, Jack Kent, June Baird, Anne Holt, Bernice West, and Shirley Beck. The project would not have been possible without the help of Nell and Clif Krueger and Roy Byers. In addition, the support of the Meadows Foundation, which provided $80,000 for acquisition and restoration, was crucial to the project.

Thanks to their efforts, a priceless part of Hill Country history will be preserved for future generations to enjoy. Mr. Speaker, I ask that an article from the Dallas Morning News be included in the RECORD following my remarks. This article recounts the development of this model of historic preservation, and I commend the project to my colleagues for their consideration.

[From the Dallas Morning News, Feb. 6, 1991]

WHEN BLANCO'S OLD COURTHOUSE WAS SOLD, THE RESIDENTS RALLIED TO BUY IT BACK

(David Dillon)

BLANCO, TX.—In a state with the richest courthouse tradition in America, the old Blanco County Courthouse is seldom mentioned. Blanco itself, for that matter, is mainly a footnote to discussions of the Texas Hill Country.

And yet this handsome limestone building, the centerpiece of an isolated ranching community southwest of Austin, is the subject of an unusually upbeat preservation story that is also the story of small-town American grit and optimism. Horton Foote couldn't have scripted it better.

Over the last five years Blanco residents have raised $250,000 to buy back their courthouse from an owner who wanted to dismantle it and move it to his ranch near Sandy, in east central Texas. The rescuers included ranchers, housewives, farmers and merchants. None is wealthy, or could plausibly be described as a preservationist. Their actions were prompted by an emotional attachment to the courthouse and a belief that its loss would somehow erase the community memory.

"We were just operating on gut instinct," recalls Jo Nell Haas, one of the leaders of the group. "Something inside said, 'Keep going, there's something there.' We had a hundred-and-one ideas of what to do with the building. We just didn't have money or a plan."

The Blanco County Courthouse was designed in 1886 by F.E. Ruffini, a prolific Texas architect who designed public buildings across the state, as well as Old Main at the University of Texas at Austin. He was a facile, eclectic designer, adept at the popular continental styles, and gave Blanco a stylish Second Empire building with a mansard roof, four impressive pedimented entrances and abundant decorative metal trim.

Four years after the courthouse was finished, the county seat was moved north to Johnson City, an act of political treachery that remains unforgiven in Blanco. Mr. Ruffni's courthouse subsequently became a school, a bank, a hospital, a Farmer's Union Hall, a Wild West museum and most recently an abandoned hulk awaiting the onslaught of the rising damp.

Although most Blanco residents had a personal or ancestral connection to the courthouse, they were coolly indifferent to its plight until San Antonio businessman John W. O'Boyle Jr. bought it in early 1986 for $500,000. The purchase immediately made him seem like a character from *Giant*—the Bick Benedict of Blanco—and to some residents signaled the beginning of a run on the town's real estate by the commuting gentry of Austin and San Antonio.

In June 1986, nine residents gathered at Leo's Barbecue to discuss the problem, and by the end of the meeting had formed the Old Blanco County Courthouse Preservation Society. They drew up a formal petition opposing the sale, and soon got a historic district ordinance passed by the City Council. On Labor Day, the group held a bake sale on the square that netted $650, a preview of difficulties to come.

Shortly thereafter the group met with Mr. O'Boyle, who reportedly was surprised that anyone cared about the old courthouse and stung by the suggestion that he was trying to rob Blanco of its heritage. After clarifying his intentions, he agreed to sell the courthouse back to the preservation society for what he had paid for it.

The group approached the National Trust for Historic Preservation and various charitable foundations for support. The national trust made a $1,500 grant for a feasibility study, but the prevailing response was; Great idea, but the price is too high. Call us back whey you know what you're doing.

"Everybody was implying that we were just a bunch of crazy people running around making noise," says Jo Nell Haas. "The more they said, 'You can't do it,' the more we'd say, 'Just watch.'"

Two years and half a dozen bake sales, craft fairs and T-shirt blitzes later, the group had $2,000 in the bank. Even in Blanco, that's glacial progress. Apparently the skeptics were right.

And then the preservation society got lucky. It found an ally in the fledgling LBJ Heartland Council, a regional grass-roots organization established to protect and enhance the heritage of the Hill Country. It had only slightly more money than the Blanco group, but it did have a broader focus and national connections through Lady Bird Johhson and others. If Blanco needed help, the council needed a demonstration project to prove that regional cooperation was more than rhetoric.

With help from the council, the preservation society applied for a $100,000 loan from the national trust—and got it, one of only two in the country since 1989. Townspeople guaranteed the loan with their CDs.

The loan was a prelude to a symbolic groundbreaking at the old courthouse in October 1989. Representatives from the trust and U.S. Rep. Jake Pickle's staff showed up, along with county officials and the mayor of Johnson City. The Blanco band played, and schoolchildren released balloons at appropriate moments. The event impressed Mr. O'Boyle sufficiently that he soon gave the preservation society an option to buy the building for $300,000.

But virtually all of the money raised so far was from outsiders. What mattered to the foundations, and to Mr. O'Boyle, was the amount of local support. Did the town really care about the courthouse, or just the group at Leo's Barbecue?

So early in 1990 the preservation society started planning a do-or-die dinner dance—$100 a couple for chicken fried steak and Asleep at the Wheel, to be held, not in Blanco, but at Ed's River Palace in Johnson City.

"We'd never done any fund raising except for bake sales," says Kay Smith, who orchestrated the event. "But we knew we had to do it. The foundations were telling us that without grass-roots support we were finished."

Society members hit the streets of Blanco and neighboring towns in search of door prizes and donations for a silent auction. By April 27, 1990, they had scared up $27,000 in merchandise, including a microwave, a deer rifle, trips to Nashville and Las Vegas, a football jersey from Earl Campbell, a ton of fertilizer and a load of hay.

That evening, 450 couples showed up, some gritting their teeth at the thought of spending the evening with folks from Johnson City. As it turned out, only a dozen people showed up from Johnson City. Many came from Dripping Springs, Fredericksburg, Round Rock and San Antonio. The evening sent the requisite regional message. F.E. Ruffini's great-granddaughter flew in from California, made a cash donation and implied that some of his architectural drawings might also be forthcoming.

The dinner dance netted $57,000, which grew to $84,000 by the time all the donations had trickled in. The dance and the trust loan gave the preservation society enough credibility to secure a $40,000 grant from the Amon G. Carter Foundation in September and an $80,000 grant from the Meadows Foundation in November, of which $30,000 could be put toward buying the building.

Going from $2,000 in the bank to $250,000 impressed even the Blanco old guard, who suddenly closed ranks behind the "crazy courthouse people", as though they knew they could do it all along. But the group was still $50,000 short of its goal, and its option was about to expire.

The leaders went to meet with Mr. O'Boyle's lawyer, Gordon Sauer, to ask for a six-month extension on the option. "We had our speeches and our special pleas all rehearsed," says Kay Smith.

But they weren't necessary. Mr. O'Boyle already had instructed his lawyer to tell them that they could have the building for $250,000. "He thought about it for two minutes and told me, 'Let it go,'" recalls Mr. Sauer. "He was delighted, and also astonished at what they had done."

On Jan. 24, 1991, almost five years after Mr. O'Boyle bought the Blanco courthouse, title was returned to the community.

"I see this as a model for the rest of Texas," says Libby Barker, the Texas field coordinator for the national trust. "This is the first time that these people have worked together on anything. It's not government telling them how to do it. They're doing it themselves. It's small-town America at its best."

The current plans are to convert the courthouse into a regional heritage center, containing a small museum and offices for the LBJ Heartland Council and the Old Blanco County Courthouse Preservation Society. The second floor, where the hospital union hall and opera house used to be, will be rented to community groups.

The preservation society still must raise another $350,000 to complete the restoration, as well as $250,000 a year to repay the loan from the national trust. But everyone involved seems to think that things will be easier this time around.

"There used to be a lot of apathy around here," says Jo Nell Haas. "Now, people are starting to come together. They're fixing up the buildings. There's a new park coming along. The courthouse holds the key to the whole community."

## INTRODUCTION OF THE MOUNT SOPRIS TREE NURSERY LAND EXCHANGE

### HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. CAMPBELL of Colorado. Mr. Speaker, I am introducing legislation to allow Pitkin and Eagle Counties to acquire 132 acres of the 186 so-called Mount Sopris Tree Nursery in the White River National Forest in exchange for 1,307 acres of patented mining claims which are owned by the counties.

The National Forest Service used to operate the tree farm, near Aspen, CO, but several years ago decided they didn't need the property any longer and gave permission to the General Service Administration [GSA] to sell the property to the highest bidder.

Rather than allowing this property to be sold, subdivided and developed to make room for more expensive condominiums and townhomes, I intend to direct the Forest Service to exchange the tree farm for inholding within the White River National Forest that are owned by Pitkin and Eagle Counties.

The tree farm can then be used by the counties for public purposes, like a community or senior citizens center or for recreational facilities. The inholdings the Forest Service will receive will help consolidate the lands they manage and ensure public access to what were once private lands. The exchange also protects the U.S. investment because it contains a clause which directs that all the proceeds from any future sale or lease would go to the U.S. Treasury.

The bill also sets up an orderly process to address any claims which may arise when the United States is granted title to the patented mining claims. This is necessary to prevent any further forest management problems which could arise.

The Forest Service and the counties have been attempting to complete this exchange administratively for many years. Unfortunately, the cost of clearing the title on every acre of property makes this infeasible in light of the stressed Forest Service and county budgets. This exchange will serve a valuable public purpose, and save the Government money.

The proposal has widespread local support. Colorado environmentalists also support the proposal because it prevents even more public land in the Roaring Fork Valley from being privatized and developed.

## A TRIBUTE TO HON. WARD J. HERBERT

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. ROUKEMA. Mr. Speaker, Saturday, March 2, 1991, the friends and supporters of the Northwest Bergen/Ramapo Valley chapter, the Essex chapter and the Central Bergen chapter of the American Red Cross will pause to salute the volunteers that have built these chapters into the effective organizations that they are today. I would like to call to the attention of my colleagues one of these honorees, Ward J. Herbert.

Ward Herbert is a native of Ohio, and graduated from the Ohio State University in 1925. However, and to the benefit of the citizens of the State of New Jersey, following his graduation from Harvard Law School in 1925 he moved to our great State and was admitted to the bar the following year. For the next 30 years, Ward lent his talents and abilities to the growth of the distinguished firm of McCarter and English. His abilities were recognized in 1961 when he was appointed judge of the New Jersey Superior Court, Chancery Division.

Ward Herbert has never lost touch with nor forgotten the values of community from which he was reared in Ohio. Since 1974, he has served as the president of the Orange, NJ Free Library. Since 1975, he has served as chancellor of the Episcopal diocese of Newark. This week he will be recognized for his service as a director of the Essex County New Jersey chapter of the American Red Cross.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, the rewards freely given by one's peers. And that is why the supporters of the Red Cross in northern New Jersey will gather this week to recognize Ward J. Herbert. I ask my colleagues in the House to join in that recognition.

## FREEDOM'S FAIR WEATHER FRIENDS?

### HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. RITTER. Mr. Speaker, I'd like to call my colleagues' attention to a thoughtful editorial piece written by Representative BOB DORNAN in the Washington Times yesterday which surveys the history of congressional support, or lack thereof, for the freedom struggle of the last two decades.

Mr. DORNAN's article follows:

FREEDOM'S FAIR WEATHER FRIENDS?

(By Robert Dornan)

In a letter thanking me for my vote authorizing the use of force in the Persian Gulf, my friend and colleague Steve Solarz, New York Democrat, wrote, "History will eventually determine whether we were right or wrong."

Given the way "history" has screwed up the story of U.S. involvement in Vietnam, this is not a comforting prospect.

Indeed, one of the true "lessons of Vietnam" is that history is too important to be left to historians, who in the case of Vietnam let their ideological blinders influence their interpretation of events.

But as the ancient Romans used to say, "Woe to the vanquished," by which they meant that not only would the defeated be killed or sent into slavery but also that the victor would write the history of the conflict. Richard Nixon made much the same point when he wrote, "[A]mong those who say the nations of the West are on the wrong side of history in the fight against communism are people who actually write history."

However, learning from our mistakes in Vietnam, President Bush is determined to be on history's winning side this time.

By winning side, I don't mean just from a purely military point of view. After all, the United States was militarily victorious in Vietnam, never having lost a battle while dominating the air and seacoast. (It is very curious that those same liberals who now lecture us that war is a "political" act still falsely and deliberately refer to Vietnam as a "military" defeat.)

Indeed, after the so-called Christmas bombing" of Hanoi and Haiphong in 1972 (the United States did not bomb on Christmas Day), Sir Robert Thompson, the British expert on guerrilla warfare, declared, "In my view, on Dec. 30, 1972, after 11 days [it was actually 18 days] of those B-52 attacks on the Hanoi area, you had won the war. It was over! They would have taken any terms. And this is why, of course, you actually got a peace agreement."

But there was another war being waged at home—one for the "hearts and minds" of the American people. That was the war in which those of us who agreed with Ronald Reagan that Vietnam was a "noble cause," a just cause, were shouted down. The steady appetite of half-truths, distortions and lies fed to the American people by a dominant media culture gone berserk (see Peter Braestrup's "The Big Story") combined with a popular culture actively engaged in the anti-war movement doomed any rational debate on the conduct of the war and its aims. (And after seeing some in the media try to turn the skirmish at Khafji into another Tet offensive, I fear the media cowboys are lusting for a replay.)

Thus we have a nation full of people confused by the "lessons of Vietnam." Fortunately, our president and those charged with fighting this war are not confused at all. As the president has said, the war with Iraq will not be another Vietnam because we will not fight it "with one hand tied behind our back."

I am sure this is not the lesson most of my liberal colleagues drew from "the Vietnam experience," as the recent debate over the use of force in the Gulf illustrated. Indeed, even Mr. Solarz, who cosponsored the resolution authorizing force, still seems woefully confused about Vietnam.

For instance, Mr. Solarz said during the debate that in Vietnam "vital American interests were never at stake" and that "the cost in blood and treasure was out of all proportion to the expected benefits of a successful defense of South Vietnam." (I am sure the oppressed Vietnamese, as well as 700,000 Vietnamese-Americans, would not agree.)

Yet these very practical considerations give way to this truth: "The great lesson of our time is that evil still exists, and when evil is on the march, it must [my emphasis] be confronted."

Except, of course, when in his view our vital interests are not at stake or when it will cost too much—as in Vietnam. My friend Steve Solarz, like most liberals, is trying to have it both ways. They use shifting criteria so they can pick and choose where to stand for freedom, cafeteria-style.

But if it is evil Mr. Solarz seeks to confront, it is hard to imagine a more virulent variety than that unleashed all over Southeast Asia by the communists in Hanoi and Cambodia, who, unconstrained by the U.S. military, have caused the death of upward of 2 million people. The killing continues to this day.

It is also a bit disingenuous for some to say that the United States had no vital interests at stake in Vietnam 20 years ago while at the same time arguing that the primary reason we ought to lift the current trade embargo against communist Vietnam is that it is so strategically important.

I would think Mr. Solarz would be a little ashamed of his statement that he got his "start in politics as a campaign manager for one of the first anti-war candidates for Congress in the country."

I don't mean to single out Mr. Solarz, a colleague I respect. I point him out because he was a driving force in the debate over the use of force and because his shifting standards for confronting evil are representative of many others on the left in his party.

But more to the point, there was no reason that the cost of Vietnam should have been "all out of proportion." This is a version of the "war was unwinnable" argument, to which Mr. Nixon responded, "this was a favorite argument of those who did everything in their power to prevent the United States from winning."

The war was clearly winnable. That we fought it in a way that made winning impossible was a conscious decision by President Johnson and his secretary of defense, Robert McNamara. The Johnson brag that the Air Force couldn't even "bomb an outhouse" without his OK is but one example of just how constrained the military was in prosecuting the war.

Would we fight that way in Iraq today? Of course not. The American people would not stand for it.

Why, then, are the objectives of the Vietnam War still questioned when it was the tactics that were lacking? Why do these myths persist? And more importantly, why are those who opposed our efforts in Vietnam still given the slightest bit of credibility? For their side has much to answer for. "Peace," after all, was not without its bloody, brutal consequences.

This is a critically important point. For in Vietnam, the anti-war left got its way in the end and we all know what followed: the Killing Fields, re-education (concentration) camps, boat people, New Economic Zones, the Vietnamese Gulag, the Bamboo Curtain, yellow rain, etc., etc. All this because the United States was driven out of Indochina by the American left. The anti-Vietnam War crowd, with its "Ho, Ho, Ho Chi Minh" chorus, which thought itself so morally superior, has never been held to account for the ghastly outcome of its immoral policy.

So while I greet those precious few former members of the anti-war movement who crossed over to join us in confronting this evil, I do worry about their lack of consistency. Though they are on the right side this time, it is clear they can't be counted on in all good cases, as we saw in Vietnam, Grenada and Nicaragua, and still see in Angola. We therefore have good cause to fear that once this conflict is over, they will again be freedom's fair-weather friends.

## RABBI DAVID H. PANITZ ESTEEMED AUTHOR, EXEMPLARY EDUCATOR, AND GOOD FRIEND

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. ROE. Mr. Speaker, on January 25, 1991, Rabbi David H. Panitz was called to his eternal resting place and my Eighth Congressional District, the State of New Jersey, and our Nation lost a gifted and outstanding individual and I lost a close and devoted friend.

It is with great sadness that I note Rabbi Panitz's passing for he was a very good friend and I shall miss his counsel, his warmth, and his grace which were, truly, the hallmark of an individual who made a difference to the congregation he served and the many people with whom he came in contact.

A scholar, a spiritual leader, an educator, devoted family man, and an inspirational friend—Rabbi Panitz was all of this and more. He embodied all that was just and right in our

society and all of us are better, much better, because he passed this way. His life was taken from us, but his legacy is legion, serving as spiritual leader of Temple Emanuel in Paterson, NJ for 30 years and devoting 45 years in rabbinical service, from which he retired in June, 1988. However, Rabbi Dr. Panitz was truly ecumenical in his spiritual leadership having held high positions in the National Conference of Christians and Jews, and lecturing at scores of churches, colleges, and civic organizations. He served in Paterson as chairman of the Mayor's Brotherhood Committee, cochairman of the Commission on Jewish-Catholic Dialogue and as cochairman of the Task Force for Community Action to Combat Poverty.

Mr. Speaker, I remember well Rabbi Dr. Panitz' scholarly discussions on many varied topics. I remember his warmth and his commitment to his people and to this country. I will sorely miss his advice, his good judgment and will miss him as my friend. I feel that I was most fortunate and truly blessed to have had Rabbi Panitz as my good friend—his inspiration, his example, his scholarly approach to life, and his devotion to our society to do good were an awesome example to follow. I may have been the only Irish Catholic Member of Congress who had his own personal rabbi in Dr. Panitz.

Mr. Speaker, it has been a privilege for me to share with the Panitz family this very special person whose lifetime of achievement in devotion and dedication to the Jewish community and to all mankind is legendary. Surely, the people of my Eighth Congressional District were truly blessed by the distinguished and dedicated record of outstanding public service rendered by Rabbi Dr. Panitz. He endeared himself to his congregation and to the Jewish community, and his interfaith and interreligious activities have truly left their mark on all faiths and religions.

Rabbi Dr. Panitz was a scholar whose teachings were legion—he helped to strengthen the ethical and moral fabric of our society. He devoted his entire life to developing the minds and hearts of our people, both Jewish and non-Jewish. He gave so much toward building the future of Judaism in this country through his work with Jewish children, and played a leading role in helping to establish the Solomon Schechter Day School of North Jersey. He was a community leader and as such brought enlightenment and encouragement, aid and comfort, peace and rehabilitation to those in need of his good counsel and judgment.

The late Rabbi Panitz' long list of noteworthy achievements encompassed the wants and aspirations of all of our people, and with your permission, I would like to insert at this point a brief biography, as follows:

Rabbi Dr. David Hirsch Panitz, son of the late Ezekiel and Nettie Panitz, was born in Baltimore in 1918. He was educated in the public schools of that city, and also graduated from both academic and teacher training schools of the Baltimore Hebrew College. He received his B.A. and M.A. from Johns Hopkins University, and received his rabbinic ordination from the Jewish Theological Seminary of America in 1943. The seminary later conferred upon him the degree of doctor of divinity, honoris causa.

At Hopkins, he was a student of the noted biblical scholar, William Foxwell Albright, with whom he studied ancient near eastern languages, history, and archeology. Rabbi Panitz taught Bible at the George Washington University in the Nation's Capital and served on the faculty of the Rabbinical School of the seminary. He was also dean of the American Academy for Jewish Religion.

He had been the spiritual leader of Paterson's Temple Emanuel of North Jersey from 1959 until his retirement in 1988. Prior to his service in Paterson, he held pulpits at Temple Adath Yeshurun in Syracuse, NY, at Congregation B'Nai Jeshurun in New York City, and at Adas Israel Congregation in Washington, DC.

The late Rabbi Panitz fashioned an outstanding record of service to his congregational families, to the entire Jewish people, to Israel, and to the overall community at large. He was for a number of years a commissioner of the Paterson Board of Education. He was for 29 years the Jewish chaplain of the Passaic County Jail, and served in the same capacity for the Paterson Police and Fire Departments. He was chairman of the Passaic County Alcoholic Rehabilitation Board for 15 years. He was the national chairman of the Joint Commission on Rabbinic Placement of the Rabbinical Assembly, the United Synagogue of America, and the Jewish Theological Seminary of America, national cochairman of the State of Israel Bonds Rabbinic Cabinet, national chairman of the Interreligious Affairs Committee of B'nai Brith Anti-Defamation League, vice president of the Jewish Conciliation Board of America, and president of the New Jersey Board of Rabbis. He was the first Jewish person to be elected president of the Coalition of Religious Leaders of New Jersey, and was a member of the plenum, the Domestic Policy Committee, and the International Affairs Committee of the Synagogue Council of America.

He was always active in interfaith and intergroup endeavors. He held high positions of leadership in the National Conference of Christians and Jews. He also served in Paterson as chairman of the Mayor's Brotherhood Committee, cochairman of the Commission on Jewish-Catholic Dialogue and as the cochairman of the Task Force for Community Action to Combat Poverty.

Within the movement of conservative Judaism, he had served as national secretary for the Rabbinical Assembly, as a member of that group's Committee on Jewish Law and Standards, and as national chairman of the Committee on Regions of the Rabbinical Assembly. He was a member of the Seminary's Rabbinic Cabinet, a fellow of the Seminary's Herbert H. Lehman Institute of Talmudic Ethics and chairman of the Rabbinic Tutoring Committee of the seminary's Institute of Religious Social Studies. He had also served on the United Synagogue of America as a member of the National Youth Commission and chairman of its Committee on Peace and Religion of the Joint Commission for Social Action.

Among other positions held by Rabbi Dr. Panitz, he served as national chairman of the Broadcasting-TV-Film Commission and the Commission on Social Justice of the Synagogue Council of America; and he was the head of the council's delegation to the Conference of Major Jewish Organizations. He was the president of the Louis Marshall Lodge of B'nai Brith, vice president of the North Jersey Jewish and Family Children's Service, and long time chairman of its Child Care Committee. He was a member of the National Rabbinic Advisory Committee of the United Jewish Appeal, a member of the board of directors of the Jewish Federation of North Jersey and the Board of Jewish Education, chairman of the Paterson Board of Education's Advisory Committee and chairman of its Adult Evening School, as well as chairman of the Passaic County Narcotics Rehabilitation Committee. In addition to all of the above, Rabbi Panitz rendered more than 7,500 hours in 29 years of voluntary chaplain services at the Barnert Hospital and Medical Center.

Rabbi Panitz was the author of "Studies in the Legal Responsa of Joseph Colon"—researches in 15th century Italian Jewish history. With his wife, he coauthored "Simon Wolf, U.S. Consul to Egypt." He also wrote numerous articles and chapters in other books. He was married to the former Esther Leah Allentuck, who is the author of "The Alien in Their Midst, Images of Jews in English Literature," and "Simon Wolf, Private Conscience and Public Image" and many basic monographs in American Jewish immigration history.

Mr. Speaker, I know that you will join with me in expressing your heartfelt and deepest sympathy to the Panitz family. First, to the late Rabbi's widow; then, to their three sons, Lt. Comdr. Jonathan A. Panitz, career chaplain in the U.S. Navy, now assigned to the office of the chief of Navy chaplains at the Pentagon—married to Jane Royal; Dr. Raphael I. Panitz, who has taught at the University of Pennsylvania and SUNY-Binghamton, and now serves as my legislative assistant—married to Susette Mottsman; and Rabbi Michael E. Panitz, who is spiritual leader of Temple Beth Israel in Maywood, NJ, and is the principal of the Prozdor, the Hebrew High School of the Jewish Theological Seminary of America—married to Sheila Salzer—and seven grandchildren; Zimra, Obadiah, and Yasmeen; William Jeffrey; and Emily, Ezekiel, and Benjamin. Also, to his brothers, Rabbi Seymour Panitz of Rockville, and Mr. Bernard Panitz Wilmington, DE, and to his sister, Mrs. Judith Saphire of Brooklyn, NY.

It is important to note that the rabbi's relaxation came from playing with these youngsters, listening to his extensive collection of classical music, and reading from his personal library of more than 13,000 volumes.

Mr. Speaker, it has been my distinct honor and privilege to have known the late Rabbi Dr. Panitz. I seek this national recognition of his passing as a living legacy to his family and to all who have had the privilege of knowing him. The richness of his wisdom, and the quality of his leadership, in all of his accomplishments and achievements, have been truly inspiring, indeed.

To my dear close friend, I bid a fond "Shalom."

Rabbi Dr. Panitz will be deeply and sorely missed but the good deeds of this kind and gentle man will live on for generations.

## RECOGNIZING THE GENEROSITY OF THE PRIVATE SECTOR

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. MORELLA. Mr. Speaker, my friends at the Hebrew Home of Greater Washington have pointed out to me an example of community generosity which I would like to acknowledge.

Kirson Medical Equipment Co., a Maryland-based supplier of medical goods, recently donated a compression pump to the Hebrew Home. The home, which is located in the Eighth Congressional District of Maryland, was in dire need of this compression pump—an expensive piece of medical equipment used to treat certain forms of swelling. The Hebrew Home hopes that this machine will improve the quality of life of many of its citizens.

Mr. Speaker, it is a pleasure for me to see the private sector becoming actively involved in our community. Through their generosity, firms like the Kirson Medical Equipment Co. demonstrate a sincere commitment to the State of Maryland and to its citizens. For this, these firms deserve our recognition and our thanks.

## IN HONOR OF DR. LINUS PAULING

### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to Dr. Linus Pauling, one of the world's greatest scientists and humanitarians, who is celebrating his 90th birthday today, February 28, 1991. Dr. Pauling, the only person to receive two unshared Nobel prizes, continues to make major contributions toward a healthier and more peaceful world.

In 1954, Linus received the Nobel prize in chemistry for his discovery of the nature of the chemical bond. His work contributed greatly to an understanding of the complex molecular structure of protein. It also led to new knowledge about sickle cell anemia, a disease of the red blood cells. Dr. Pauling later attracted attention for his experiments on the use of vitamin C in treating cancer and the common cold.

Linus won the Nobel Peace Prize for his efforts to ban the testing of nuclear weapons. In 1958, he submitted a petition to the United Nations that stated in part, "Each added amount of radiation causes damage to the health of human beings all over the world." This petition helped lead to the signing of a Test Ban Treaty in 1963 by the United States, the Soviet Union, and most other United Nations members.

Dr. Pauling is presently working out of the Linus Pauling Institute of Science and Medicine in Palo Alto, CA, and from his ranch at Big Sur, CA. The Linus Pauling Institute is a nonprofit organization founded in 1973, dedicated to improving the quality of life and decreasing human suffering.

Linus' involvement clearly knows no bounds. His superior dedication and commitment has been acknowledged by many world leaders, and I am honored to personally recognize him now for his contribution in continuing the fight for peace and health to all.

Mr. Speaker, I ask my colleagues to join me now in congratulating Dr. Linus Pauling on his 90th birthday and commending him for his outstanding achievements. It is with great respect and pride that I salute the overwhelming contributions and character of Dr. Linus Pauling.

## THE END OF THE PERSIAN GULF WAR

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. MINK. Mr. Speaker, I rise today to express a great feeling of relief and thankfulness that our Nation is once again at peace. Just 7 weeks ago, I addressed this body on what turned out to be the eve of war. At that time, faced with the possibility of thousands of American casualties, I urged patience to allow the President's policy of sanctions time to work.

I, like every representative, had utmost in my mind, the welfare of the men and women of our armed services. In an historic vote of this body, following some of the most heartfelt debate I have ever witnessed, a somewhat divided Congress approved the President to use force as sanctioned by the United Nations.

Immediately after the war started, we came together to solidify our solemn support of our military in the mission we had sent them to do. We all feared for their safety, hoped and prayed for their swift return, and looked ahead to a time when this Nation would once again be at peace.

Today we come together in thanks that peace has been realized, that the President has ordered a cease-fire, and that most of all our Nation has been extremely fortunate not to have lost more soldiers than we have. I thank God for that.

Yet Mr. Speaker, I also feel a great sadness for the soldiers who have made the supreme sacrifice in giving their lives for their country. I agree wholeheartedly with Gen. Norman Schwarzkopf who said yesterday "the loss of one life is intolerable." I pay homage to those brave men and women who have died, and I extend my deepest respects and condolences to their families. They must never be forgotten.

I am also very proud of all of our brave men and women who have done such a magnificent job. They have demonstrated a professionalism and pride that commands respect and appreciation. I hope as a nation we waste no time in showing our thanks for these wonderful men and women.

Now will come the time of rebuilding, and a time for our Nation to once again focus its attention on the work here at home. I hope that the unity this Nation has demonstrated throughout this crisis, will continue as we try to solve the problems our own people face.

## BUSH'S SOAK-THE-MIDDLE- CLASS PLAN

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. MILLER of California. Mr. Speaker, little noted in the budget sent to Congress by the President earlier this month was a policy initiative that millions of Americans have largely overlooked.

It is an oversight that could cost middle income families billions of dollars in Government assistance and services—at the same time that the Bush administration continues a decade-long policy of heaping greater and greater benefits on the wealthiest of Americans.

As noted by Kevin Phillips, hardly a mouthpiece of liberalism or the Democratic Party, the Bush plan to means-test certain programs should be labelled "The Second Middle-Class Squeeze—brought to you by the same politicians who presided over the old middle-class squeeze of the 1980's."

And, Phillips reminds us, this "soak the middle class" strategy is being promoted at the same time that the White House is still proposing the "Real McCoy" of favoritism to the richest 1 percent of Americans—capital gains tax reduction.

The Bush proposals will impose massive benefit losses on the middle class, who have suffered the worst loss of real income and enjoyed the most meager of tax reductions during the past decade. As Kevin Phillips notes, this plan raises again the issue of equity in tax and benefit policy and provides an important subject for political debate in the country which hopefully will be joined during the upcoming budget discussions.

BUSH'S DOMESTIC POLICY? IT'S SOAK THE MIDDLE CLASS

(By Kevin Phillips)

Politics: Showing its pro-rich bias, the White House wants to tighten eligibility for federal benefits, cutting out those $45,000-a-year fat cats.

WASHINGTON.—Forget all that malarkey about George Bush not having a domestic policy. During the last few weeks, with national attention preoccupied by the Persian Gulf, the White House has started laying out far-reaching fiscal policies—who's going to pay and who's not going to pay—that could become a political hand grenade of the 1990s.

Obviously, it's not the "New Paradigm," the conservatives' much-bally-hooed mix of enterprise zones and local empowerment ideas such as school vouchers. That's small potatoes next to the Administration's emerging blueprint to means-test—or roll back—middle-class eligibility for a whole range of federal program benefits, from school lunches to college loans.

With orchestrated means-testing, Middle America will lead the sacrifice in the 1990s deficit wars—allowing federal tax policies to retain their 1980s favoritism toward the "top 1%" of Americans. This could allow Democratic orators to start belaboring "The Second Middle-class Squeeze"—brought to you

by the same politicians who presided over the old middle-class squeeze of the 1980s.

The economics of middle-class means-testing have a certain logic—but the politics are incendiary. The principal architect, Budget Director Richard G. Darman, is a man of inherited wealth and no firsthand middle-class sensitivity. Yet, as a shrewd fiscal operator, Darman knows huge sums of federal budget money can be had for other purposes—beefing up programs for the poor or safeguarding existing tax breaks for the rich (or both)—by slashing middle- and upper-middle-class eligibility for federal benefits programs. Darman wants an income-eligibility line drawn somewhere beteeen $20,000 and $125,000 a year, to cut off middle-class beneficiaries.

These ambitions do not appear in the Bush budget, which sets cutoffs for farm subsidies at $125,000 in non-farm income, triples Medicare premiums at $125,000, pegs $21,000 as the subsidized school-lunch limit and breaks college-aid eligibility at $40,000 a year. Darman's 1992 budget is simply an entering wedge, though, because the budget director said in recent congressional testimony that he favored "an important new emphasis for reform: increasing fairness in the distribution of benefits, reducing subsidies for those who do not need them." We can't keep federal benefits going to those sleek, well-fed $22,000-a-year families or those $45,000-a-year fat cats, can we?

It's an interesting gamble. By seeking to recast the fairness image to deny "the rich" their current farm, Medicare or college-aid benefits and thereby "concentrate" them on the poor, the Bush White House is out to counter its "fat-cat" protection image gained in last year's fight over capital-gains tax reduction and in beating back the Democrats' proposed income surtax on millionaires. This time, the hope is to be seen as promoting rather than blocking fairness.

Maybe. But not if the Democrats are smart enough to explain what's really going on. Federal program means-testing is collateral to broader fairness for three reasons. First, because nobody can seriously tackle the truly rich—who got the real benefits of the 1980s—by playing around with the eligibility rules of federal benefit programs. This is a ploy, a GOP fiscal equivalent of Air Force planes dropping aluminum foil to fool enemy radars. The idea that Laurence Tisch or David Rockefeller will feel the hot breath of Darman's entitlements reform is patently absurd.

Second, because the White House is still proposing the Real McCoy of favoritism to the richest 1% of Americans—capital-gains rate reduction. And third, because the middle-class Americans quietly being targeted for lighter benefits and thinner wallets have already been squeezed for most of the '80s by soaring Social Security taxes, surging property levies, escalating health costs, surging tuition charges and mushrooming auto insurance rates. Pickpocketing these people instead of millionaires is a travesty.

A cynical analyst or a liberal congressman could suggest that Middle America and Upper-Middle America are being targeted so the top 1% of Americans can keep their 31% tax rate. During the 1980s, while the median family income was barely ahead of inflation, the Forbes 400 richest Americans managed to increase their combined net worth from $92 billion in 1982 to $270 billion in 1989. One would think this is the obvious place for 1990s pay-back economics.

This brings us to the politics involved and the possibility that Republicans could be courting another major backlash by blithely framing "fairness" considerations and then clipping the middle and uppermiddle class while protecting the genuinely rich. This was the opprobrium they faced after October's budget debate.

The conservative assumption in means-testing Mr. and Mrs. John Q. Public is: a) Middle America will not get too excited and b) lots of Democrats, academicians and poverty groups will cheer the idea of curbing middle-class eligibility and focusing outlays on the poor. It could work. Most middle-class voters won't pay much attention to a few overhauls in program eligibility, and some congressional Democrats are so low-income fixated they don't care much about the middle class.

What's more likely, though, is that Middle America and its political defenders will correctly identify means-testing as something bigger—as the stage two of a painful "politics of unfairness" that began to squeeze the average family during the 1980's, while the rich rode a golden elevator. Federal policy was critical, because the "squeeze" involved combining relative peanuts in federal income-tax cuts for the middle class with significant new burdens: surging and regressive Social Security taxation, the extraordinary federal income-tax "bubbles" (through which the upper-middle class still pays a higher marginal tax rate than millionaires), rising excise taxes, user fees, stepped-up taxation of Social Security benefits and a shift of programs from Washington back to the states that forced up regressive state and local taxes. The result is one that Robin Hood's old enemy, the Sheriff of Nottingham, would envy. By the time the 1980s ended, the top 1% of Americans had 3 to 6 percentage points more of total family income than when the decade started, and the people in the middle saw their relative share decline.

Means-testing the middle class signals another round of this "soak the middle" spirit. But it also comes at a time when the larger pattern of "Sheriff of Nottingham" economics is becoming clear enough to mobilize congressional Democrats—as they proved in last October's bruising and, from their point of view, successful budget debate. Equally important, skittish Republican voters see the GOP bias, too. Some 20%-30% of GOP voters believe their party favors the rich; one poll revealed 80% of Republicans favored the Democratic surtax on millionaires that Bush keeps working to defeat.

Politically, then, the GOP's October embarrassment may have only been a first act if the White House charges ahead on means-testing. The federal deficit may finally be driving a wedge into the GOP, forcing the White House to sacrifice rank-and-file middle-class economic interests to protect the interests of the top 1%. Last year, when Darman got Bush to break his no-new-taxes vow, the GOP discovered that it opened a Pandora's Box of "fairness" issues—and means-testing could be Darman's second Pandora's Box.

Middle America will doubtless have to make some sacrifices to deal with the nation's debt and shrinking resources. But fairness dictates—and more Democrats understand this—that the middle class should not be sandbagged without considerably larger sacrifices required of those at the top, who grew fat during the 1980s. So if the White House does not opt for a thinly disguised "soak-the-middle" fiscal strategy, an important battle will be joined. Bush may yet yearn for the days when the media simply snickered about his not even having a domestic policy.

## U.S. CAN'T AFFORD TO LOSE TECHNOLOGICAL EDGE

### HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. PICKLE. Mr. Speaker, William J. Spencer, president and chief executive officer of Sematech is by far one of the leading experts in America on high-technology issues. He recently submitted an article to the Dallas Morning News which points out the increasing importance of high-technology research and development on our military community and, in particular, its impact on Operation Desert Storm. I share Dr. Spencer's interest in these issues and I commend this article to my colleagues and hope they find it enlightening.

[From the Dallas Morning News, Feb. 26, 1991]

UNITED STATES CAN'T AFFORD TO LOSE TECHNOLOGICAL EDGE

(By William Spencer)

Like millions of concerned Americans over the past month, I watched the riveting, yet terrifying, television coverage of the war in the Persian Gulf.

I was particularly struck by the graphic images and sounds of U.S. Patriot missiles knocking Iraqi Scud missiles out of the sky. I marveled at the videotapes of Paveway III laser-guided bombs, dropped from thousands of feet by speeding planes, entering doors, skylights and air shafts to blast their targets.

I listened with near-disbelief as the Pentagon described the uncanny accuracy of Tomahawk cruise missiles and the ease with which the F-117A Stealth fighters slipped through Iraqi air defenses to destroy strategic targets.

The United States is fighting its first high-tech war, and the initial results have been overwhelmingly favorable. The number of U.S. casualties to date, given the extensive nature of Operation Desert Storm, has been minimal. The loss of aircraft is far less than the most optimistic Defense Department estimates.

None of it would have been possible without semiconductor chips, those microscopic bits of silicon that contain transistors, diodes, wires and other components together which perform the function of an electronic circuit.

Electronic Buyers News reports that the Tomahawk cruise missile has 1,270 electronic component types in it, each of which includes anywhere from a dozen to thousands of computer chips. The F-111A has 8,900 electronic component types, and the Abrams M-1 tanks have 2,500 chip components.

In short, Operation Desert Storm is the most impressive demonstration of U.S. technological superiority since Neil Armstrong walked on the moon. The war is graphic evidence of the importance of having superior technology.

But if the U.S. wants to maintain that technological superiority, which can be readily converted from peacetime use to a war effort, we must continue to invest in the semiconductor infrastructure.

Our weapons are an impressive display of America's high-tech genius. But the weapons being used in the Persian Gulf are based on the technology of the 1970s and '80s. The Patriot, for example, includes chips from one U.S. company that quit making that particu-

lar design in 1985. The real success of these weapons is not in the chips themselves, but in combining applications for the unique functions they must perform.

In fact, it is sobering to realize that many of the components used in these weapons are less sophisticated than those found in the latest CD players, portable VCRs and video cameras.

It's no accident that the country that dominates the consumer electronics market, Japan, also dominates the critical technologies of the future.

Following World War II, military technology drove commercial technology in this country. But that is no longer the case. In fact, it's the opposite. In the future, our leadership in military technology will be directly proportional to our leadership in commercial technology.

The possibility that Japan could reduce or shut off its supply of electronic components is cause for concern among some U.S. officials. Furthermore, the Japanese lead the U.S. in many other high-tech ingredients that would be used for future weapons technologies.

Our national security depends on using our tremendous capability in technology to be the world leader in industries such as computers.

Although our relationship with Japan is historically friendly, is it in our best interest to have to rely on a foreign competitor for the technology needed for the next generation of Patriots, Tomahawks and F-117As? I don't think so, and neither did the Defense Science Board Task Force, which reported in 1987 that "U.S. defense will soon depend on foreign sources for state-of-the-art technology in semiconductors. The task force views this as an unacceptable situation."

That is why it is essential that the United States government continue to invest in high-technology research and development. I hope that in the inevitable debate over how to pay for Operation Desert Storm, our leaders don't lose sight of why we have been so successful.

President Bush has spoken eloquently about our need to be in the Persian Gulf to preserve the "new world order." He's right. We do have a unique and historic opportunity that must be protected.

I am confident that our leaders will continue to fund research and development at the highest levels possible. After all, our investment in America's high-technology infrastructure is really an investment in our security and in the security of the Free World.

## CONGRATULATIONS TO THE BROWN SCHOOL IN TURLOCK, CA

### HON. GARY CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. CONDIT. Mr. Speaker, in my district there is a school that has taken part in one of the most interesting experiments, one that broadens the mind and shows our young people new and exciting possibilities for the future.

Brown School in Turlock, CA, took part in a project where they tried to raise tomatoes from seeds that had been exposed to long duration space voyage in the L-DEF. I am pleased to report that this experiment has been an overwhelming success, resulting in a bounty of tomatoes that the students, along with officials from NASA were on hand to enjoy.

It is projects like this that help to stimulate the imagination of our children, while showing them that their personal participation can reap rewards that they can enjoy and that they can share with others in their community. We would do well to learn from these children and their project as we deal with our day-to-day issues here in Congress. We have within our grasp the power to change ourselves and our community, to expand our horizons and to open the door to the unthinkable and the unknown. I commend these students for their dedication to this project and congratulate them for their care and diligence that reaped such rewards.

## INTRODUCTION OF MINORITY FINANCIAL INSTITUTIONS WEEK

### HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. MFUME. Mr. Speaker, today I am introducing a joint resolution to designate March 4, through March 8, 1991, as "Minority Financial Institutions Week." This resolution simply seeks to commemorate the rich history and the significant contributions made by minority and women-owned and operated financial institutions in the United States.

Minority owned financial institutions in this country date back to 1881, when the Capital Savings Bank of Washington, DC and the Savings Bank of the Grand Fountain United Order of True Reformers, of Richmond, VA, were chartered. From 1881 until 1962 when Cathy Bank of Los Angeles, an Asian American bank, was established, banks owned by African Americans where the only minority owned financial institutions of record in the United States. Another little known fact which has somehow eluded commonly available historical accounts is that the very first female bank president in the United States was Maggie Lena Walker, an African American. Mrs. Walker served as president and chairman of the board of the Saint Luke Penny Savings Bank of Richmond, VA, from 1903 until her death in 1934. The first Hispanic-owned bank was founded in 1969, Centinel Bank of Taos, NM. Native Americans established their first bank, Lumbee Bank, of Pembroke, NC in 1917. Women-owned banks entered the financial services industry with the formation of the First Women's Bank of New York, in 1975.

These early institutions were organized to meet the financial service needs in minority communities that major banks neglected. Their mission then was much the same as it is today for many of these institutions, to help influence the social and economic development of the communities they serve. The pervasive influence of this early mission has resulted in the creation of unique niche in the community. Minority-owned financial institutions still today often target small, startup businesses, nonprofit organizations including local colleges, churches, and minority professionals.

The critical need for financial institutions in many under served, neglected communities was first acknowledged by Congress in 1975 when it enacted the Home Mortgage Disclosure Act [HMDA]. This was the first of two legislative initiatives designed to encourage financial institutions to help meet the credit needs of their communities. In 1977, the second of these initiatives, the Community Reinvestment Act [CRA], was subjected to spirited debate in both Chambers but ultimately enacted.

As gleaned from the legislative history, Congress viewed CRA as a vehicle for encouraging inner city revitalization by private investment. But equally clear was the fact that Congress wanted to eliminate long standing practices by some financial institutions of redlining. The evidence gathered during hearings on redlining demonstrates a real connection between the decline in financial services in the inner-city and urban deterioration.

In recognition of the special role and contributions of minority and women-owned financial institutions in their inner-city communities, and particularly in the development of minority business enterprise, President Richard M. Nixon, in 1970, issued an Executive order from which the Minority Bank Deposit Program [MBDP] was established. The MBDP, now codified in Public Law 101-73, requires Government agencies to include minority-owned banks, women-owned banks, and low-income credit unions, in the pool of financial intermediaries that provide banking services to Federal agencies.

The decade of the 1980's saw rapid changes in the structure, marketing practices and regulation of the financial services industry. These changes coupled with technological advances have created a highly competitive and sophisticated market for financial services. Some argue that this competition has also intensified the pressure on financial intermediaries to increase profit margins which offers incentive for many institutions to close their less profitable operations in low-income neighborhoods, often comprised primarily of ethnic minority groups. While increased competition often stimulates financial innovation, the ultimate result in minority neighborhoods is that hundreds of thousands of low- and moderate-income Americans are being deprived of access to basic financial services.

Technology advances, changing demographic patterns and increased competition notwithstanding, minority and women-owned financial institutions have maintained their commitment to providing available and affordable financial services to their communities which have been and continue to be abandoned by majority-owned institutions.

Given the documented contributions of these minority-owned banks, it is hard to understand how we in the Congress, and the administrative agencies that we oversee, continually fail to recognize the connection between their growth and development and that of the communities they serve. Just last November, a minority-owned bank in Harlem, Freedom National Bank, was not only allowed to fail, but its uninsured depositors, including a number of nonprofit groups, community organizations, churches and charities were big losers. This is in stark contrast to uninsured depositors of larger banks with deposits in off shore

accounts. It is difficult to argue that no regulatory action was indeed necessary in the case of Freedom. But when any financial institution fills a vital social need, and it is irrefutable that this community depended on this bank and had no access to other financial institutions, other more creative resolution methods should have been explored. At the very least, the depositors, most clearly from within the community, should have been better protected.

I am not raising this example to place blame upon a Federal supervisory agency which clearly faces many difficult decisions, but I am suggesting that we all need to recognize the unique role that minority owned financial institutions have assumed in their communities. By providing employment opportunities, business capital for minority entrepreneurs and urban development, they certainly deserve no less than our acknowledgment. It is in this spirit that I am introducing a joint resolution to designate March 4, through March 8, 1991, as "Minority Financial Institutions Week." Again, this resolution seeks to acknowledge the fortitude and commitment of minority financial institutions in providing economic stability to underserved communities, and further commemorates their unprecedented accomplishments.

## PEACE IN THE GULF

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. ANDERSON. Mr. Speaker, I am overjoyed that peace has come at last. The U.S.-led coalition victory, in terms of speed and low loss of casualties, surpassed my most grand expectations. The much feared ground war turned out to be an overwhelming rout. The performance of our fighting men and women has been nothing less than magnificent. I also applaud our President, whose leadership throughout this ordeal has been a shining light to the American people and the world community. He preserved a coalition that no one thought could be sustained. He remained steadfast on the path set forth in the U.N. resolutions. He kept this war limited, despite the efforts of Saddam Hussein to expand it. And he gave the U.S. Armed Forces the latitude needed to win this war at the lowest possible cost to American life.

Saddam Hussein started this war. Now, he has lost it in convincing fashion. From the performance of his army, it is clear that the Iraqi people were not behind him. Unfortunately, many paid with their lives for his folly.

I am deeply sorry that it took the lives of 79 U.S. soldiers for him to unconditionally accept the terms of the U.N. resolutions. Nothing can replace those young lives, but those men and women died knowing their cause was just. We will mourn for them, as we are at the same time thankful our casualties were so few.

The American people showed great resolve throughout this conflict, defying the naysayers and those who think peace can be had without sacrifice. The public's faith in our soldiers and our cause was the real reason why this war was won so handily. We have reaffirmed that this Nation cannot shy away from struggling against those who would violate our principles and interests and reject the standards of international behavior. I believe we have put the fears of Vietnam behind us.

Now we turn to the task of peace. It will not be easy. Saddam Hussein must be held personally accountable for his atrocities against the nation and people of Kuwait. Those responsible for war crimes must be held individually accountable. We must ensure that the financial costs of this war are not carried by the American taxpayer alone. And finally, we must seek a true and lasting peace in the Middle East. This will require the help and cooperation of all nations in the region. It must not require a permanent American troop presence. Let us get our soldiers home.

## THE INTERNATIONAL FAMILY PLANNING PROTECTION ACT

### HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. ATKINS. Mr. Speaker, I rise today to reintroduce legislation which I sponsored in the last Congress, the International Family Planning Protection Act. This legislation, designed to reverse the Mexico City policy, will ensure that women throughout the world are able to receive complete and accurate family planning information.

Since its inception in 1985, the Mexico City policy has proven to be an abject failure in achieving its only goal: reducing the number of abortions performed worldwide. This policy, which prohibits U.S. population assistance from being channeled through any nongovernmental organizations that provide counseling about abortion as one of their services, only limits the availability of quality family planning services. Curiously, the Mexico City policy does not apply to foreign governments or governmental organizations.

Under the Mexico City policy, countries which have legalized abortion, and counsel women about abortion through their governmental organizations, may receive U.S. aid. These governmental entities must simply agree to keep the U.S. funds in a separate bank account, and promise not to use any of the U.S. funds to actually perform abortions. Nongovernmental organizations can not receive funding even if they use the separate accounting procedures, and even if they do not peform abortions. This double standard sends out a mixed message to other nations, and further confuses the entire family planning issue.

The International Family Planning Protection Act eliminates this double standard by mandating that nongovernmental organizations are funded based upon the same guidelines as foreign governments or governmental organizations. The International Family Planning Protection Act will not allow U.S. aid to be used to pay for abortions. This legislation will succeed where the Mexico City policy has failed, in ensuring that all women have access to adequate family planning services.

The country of Romania provides a perfect case study, vividly depicting how the Mexico City policy has failed. Slightly over 1 year ago, Romanians overthrew their tyrannical dictator, Nicolae Ceausescu. In his effort to increase the population of Romania to over 30 million by the turn of the century, Ceausescu outlawed abortion and all forms of contraception for women who had not borne at least five children. The Securitate, Ceausescu's secret police, routinely inspected women in hospitals and sent doctors into the workplace, searching for signs of contraceptive use or attempts to induce abortion or miscarriage.

After the December 1989 revolution, the provisional government in Romania immediately legalized abortion and family planning. While this served to reduce the nation's astronomical maternal mortality rate—85.3 percent of which were the result of illegal abortions—it also illuminated the notable absence of adequate family planning services and resources. It became clear that without family planning services, abortion would be the sole birth control option available to Romanian women.

Recognizing the tremendous need in Romania, the House of Representatives voted on June 27, 1990 to earmark $1.5 million in humanitarian assistance for family planning in Romania. Because of the restrictions imposed by the Mexico City policy, none of these funds could be directed to the two international organizations already operational in Romania, the International Planned Parenthood Federation [IPPF] and the United Nations Fund for Population Activities [UNFPA].

The earmarked funds were instead channeled through the United States Agency for International Development [AID], an agency that has no choice but to abide by the restrictive Mexico City policy. Although AID recently announced that they intend to name the Center for Development and Population Activities [CEDPA] as the primary contractor for the grant, to date none of the $1.5 million has been spent in Romania. AID has wasted precious time through its efforts to comply with the Mexico City policy. The past 6 months have been spent assessing the situation in Romania and attempting to find contractors and create programs that will comply with the Mexico city policy, rather than providing the needed emergency relief.

While the U.S. funds have been entangled in the bureaucratic web that the Mexico City policy has created, women in Romania have suffered. They have been forced to rely on abortion since family planning resources and services are not readily available. In a country with a population of 23 million, over 1 million abortions have been performed in the past year alone. The number of abortions nearly triples the live birth rate of 375,000 for 1989. In light of these facts, can we honestly say that the Mexico City policy has helped to lower the number of abortions and increase the quality of family planning in Romania? I think not.

Mr. Speaker, those who call themselves pro-choice and pro-life alike can surely agree that reducing the number of abortions performed worldwide is an important and achievable goal. The most effective way to decrease the abortion rate is to decrease the number of unwanted pregnancies. Clearly, this can only be done by increasing awareness about con-

traceptives and their use, and increasing the availability of contraceptive resources. The Mexico City policy serves no purpose other than to frustrate these family planning efforts.

The reversal of the Mexico City policy is not about promoting abortion. Anyone who says it is, is simply trying to cloud the issues. U.S. foreign aid dollars have never been allowed to directly pay for abortions, and my legislation will not change this fact. The reversal of the Mexico City policy is about effective and compassionate family planning. It is about making sure that women worldwide have access to the information, services, and resources that will allow them to prevent unwanted pregnancies. It is about ensuring that tragic situations like the current one in Romania—where women are forced to rely on abortion because no other resources are available—do not become commonplace as the result of our misguided policy.

## LET'S PROTECT EMPLOYEES FROM ELECTRONIC MONITORING IN THE WORKPLACE

### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce legislation to protect employees by providing them a right to know when they are being monitored or recorded electronically while performing their jobs. This is a bipartisan bill that had more than 115 cosponsors in the 101st Congress—H.R. 2168—and today I am being joined by a broad, bipartisan group of 34 original cosponsors in introducing this bill.

At a minimum, workers have a right to know when their actions are being recorded. This bill would require employers to give their workers prior notice of the types of electronic monitoring that will be used and how they will be used. When monitoring is actually taking place, employers would have to provide their workers with a signal light, beeping tone, verbal notification, or other notice to indicate that monitoring is occurring.

The bill also includes provisions to: require that all monitoring is relevant to the employee's work performance; guarantee an employee access to data collected about his or her work; and limit disclosure and use of the data by the employer. This bill would bar employers from collecting data about their employees' exercise of first amendment rights, such as contacts with union representatives. Employers violating any of the bill's protections would be subject to civil penalties of up to $10,000.

Increasingly, officeworkers and other employees are subject to sophisticated forms of electronic monitoring: Telephone systems capable of logging the time and duration of every call, or that allow supervisors to listen in on the conversations of employees and customers; video cameras secretly placed in employee locker rooms; computers that count the number of keystrokes per minute, the number of errors and corrections per hour, and even the length of restroom breaks.

## HONORING THE U.S. MERCHANT MARINE ACADEMY

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. SCHEUER. Mr. Speaker, as the war in the Persian Gulf appears to be nearing the end of military conflict, there are many hard working, brave men and women who deserve recognition and praise.

Today, I would like to single out one group, who, coincidentally were the only members of the American Military Establishment not recognized by President Bush in his State of the Union Address: The merchant marine.

I am honored to have the home of the U.S. Merchant Marine Academy at Kings Point, NY located in my district. Though not as high a profile as the rest of the services, it nonetheless has played, throughout Desert Shield and Desert Storm, a critical role in the allies' effort to restore stability and peace to the Middle East.

Mr. Speaker, at least 15 million tons of cargo, oil, and supplies were delivered to the troops, 95 percent of it transported by ship. There is a ship every 100 miles in the 12,000-mile sea route. The Merchant Marine Academy has supplied midshipmen who are second and third year students to serve in the gulf as part of their mandatory at-sea training. These young men and women are serving with valor to supply the allied effort; virtually every U.S. ship in the gulf has employed the services of these fine academy students. In addition, the Merchant Marine Acdemy has recruited a number of alumni from the classes of 1955–1985 to re-enlist in service to the country during this war effort.

The U.S. Merchant Marine Academy is a Federal institution serving the merchant marine; the only curriculum of its kind to include two tours of sea duty. Before they graduate, cadets work either on deck or in the engine room, and also must complete academic assignments. After graduation, they are obligated to 5 years of service to our country.

Mr. Speaker, the maritime industry is an important part of the U.S. economy. The graduates of the Academy are an integral part of the civilian effort backing the Persian Gulf war. Without their many talents, and the hard work of the midshipmen from the Academy, the Navy's Military Sealift Command would not have been able to fully activate the necessary Ready Reserve Fleet to supply the troops fighting the war.

Because of the manpower supplied by the cadets, and the willingness of talented alumni to leave their positions on shore to support the war effort, the critical process of shipping supplies to the gulf went smoothly and on target. Yet this is nothing new. Since World War II, in Korea and in Vietnam, Merchant Marine Academy midshipmen have eagerly completed their shipboard training during wartime in support of United States efforts.

Mr. Speaker, it is fitting at this time that we recognize the unique and important contribution of the Merchant Marine Academy, the young men and women serving as cadets, and the alumni, especially those who are playing an active role in the allied effort in the Persian Gulf. Each of them is the personification of the Academy motto, "Acta Non Verba," "Deeds Not Words." It is my sincere pleasure to salute the U.S. Merchant Marine Academy, and the Superintendent, Rear Adm. Paul Krinsky, for all their work, dedication, and patriotism, now and since the first year of their founding almost half a century ago.

## TRIBUTE TO THE LATE STATE SENATOR JIM EZZELL

### HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. VALENTINE. Mr. Speaker, it is with profound sadness that I rise to acknowledge the death last month of one of the most distinguished members of my State's senate, Senator Jim Ezzell of Rocky Mount.

Jim Ezzell was one of the most remarkable individuals ever in public life in North Carolina. Disabled from birth, he faced obstacles that most of us never encounter or even understand. His parents fought hard to ensure that he had an opportunity for an education despite being denied entrance to the local public schools on two different occasions. Throughout his life, his mobility was severely limited, and he used a motorized cart or crutches to move around.

Yet Jim Ezzell completed a top quality education at Wake Forest University and Wake Forest Law School, became an outstanding attorney, and served in both the North Carolina House of Representatives and Senate as well as a district court judge.

These are impressive achievements for anyone, but Jim Ezzell's ability and contributions to his community and State cannot be understood by merely reading his résumé. He made a positive and permanent impact that is impossible to measure.

Jim Ezzell was the conscience of the legislature. His consuming interest was in how individual citizens and families are affected by government. His concern was for those who need help: Pregnant women and babies without access to medical care; children with inadequate nutrition; people with physical or other disabilities; citizens in need of job training or education. He battled to give every person a chance to succeed.

Jim Ezzell was also an inspiration to everyone who came into contract with him. His advice to people was: "Be a dreamer, be a worker, be a believer."

Perhaps others have often given similar advice. But Jim Ezzell was living proof that it worked. Every day he demonstrated that people could achieve their dreams, could overcome obstacles, and could succeed if they dedicated themselves to reaching their full potential.

Jim Ezzell had a physical disability, but that was not what his friends, colleagues, and constituents noticed when they were with him. His intelligence, his compassion, his wit, and his genuine friendliness defined him much more than his crutches.

I am proud to have been Jim Ezzell's friend. We represented the same people in our re-

spective elective offices, and I know the warmth and respect that his constituents felt for him. Those sentiments were well-deserved. Jim Ezzell put the interests of the people he represented above all else. He earned his electoral successes through dedication and perserverance.

Jim's wife, Patsy, is also a dear friend, and she and their three sons can be extremely proud of every aspect of Jim's life. He has left a legacy of concern for individuals that will inspire North Carolina public officials for many years.

Late in his life, Jim Ezzell spoke of his early years when he, a Baptist in the North Carolina of the 1940's, attended a Catholic school because he had been denied a public education. He recalled that the Catholic nuns had imparted an important lesson:

> They taught me that I was worth something, that God loves me like he loves all human beings. My boundary was my imagination and determination.

Jim Ezzell not only learned and lived by that lesson; he taught it to others. We are all worth more because of his example and contributions, and we should all be inspired to use our imagination and abilities. All North Carolinians are richer because of Jim Ezzell. He will be sorely missed, but his example will live on. I take great pride in saluting him.

## INDUSTRIAL DEVELOPMENT BONDS CREATE OPPORTUNITIES FOR ECONOMIC GROWTH AND JOBS

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. COYNE. Mr. Speaker, today, I am introducing legislation to extend for 5-years the Small Issue Industrial Development Bonds Program.

Congress can restore some predictability to this vital economic growth program by providing a 5-year extension of the tax exemption for Industrial Development Bonds. The time has come to provide State and local governments with confidence that IDB's will be maintained without the annual suspense as to whether IDB's will be extended.

Reliable access to capital is vital for small manufacturing firms. IDB's allow small businesses across the United States an improved opportunity to expand and provide new jobs by reducing the cost of financing.

State and local industrial development agencies use IDB issues to provide small manufacturers with access to investment capital at interest rates lower than that available through commercial lenders. For these small manufacturers, however, IDB funds are more than simply an inexpensive source of capital investment; these bonds often represent the only practical source of capital available.

The preservation and expansion of the U.S. manufacturing sector will be enhanced by continued access to much needed IDB capital for small firms. Large corporations often have ready access to financing, either from equally large banks or by issuing their own commercial bonds. Around the country, however, small manufacturers often find it difficult to find the financing they require if they are to grow and offer new job opportunities. All too often, the capital requirements of small manufacturers exceed the resources of small community banks but are too limited to interest large distant banks or bond speculators.

IDB's are among the most important economic growth tools at the disposal of State and local governments. The Advisory Commission on Intergovernmental Relations [ACIR] and the Urban Institute conducted a survey of State bond authorities and reported in 1989 that State and local IDB's amounted to $3.2 billion or 21 percent of the total private activity bonds issued that year. Only the Mortgage Revenue Bond Program represents a larger proportion of State and local bond activity.

As a result of this sizable investment of IDB funds, thousands of small manufactuers have been able to modernize equipment, expand operations and build new plants. These small manufacturers offer one of the best chances to create much needed opportunities for employment.

With the U.S. economy in recession and unemployment rising, these small firms are all the more important to the health of local communities. Small businesses account for the bulk of new jobs in the United States. According to research at the Massachusetts Institute of Technology, U.S. firms with fewer than 100 employees generated almost 90 percent of the roughly 18 million new jobs between 1977 and 1985.

As Japanese products continue to pour into the United States and the European Community proceeds with its 1992 economic integration program, Congress must not turn its back on the needs of small businesses. By acting now to provide small manufacturers with reliable access to IDB funds, the United States can move more rapidly out of the current recession and meet foreign competition.

IDB's have become all the more central to meeting the capital needs of small manufacturers as other Federal economic growth programs have been cut over the past decade. For example, in 1981, Congress appropriated $4 billion for Small Business Administration [SBA] guaranteed loans and another $219 million in SBA 7(a) direct loans. This compares with the significantly reduced fiscal year 1989 appropriations of $2.4 billion in guarantees and $87 million in direct loans.

The IDB Program has been the subject of extensive reform and congressional review over the past decade. A general overhaul of the program was achieved under 1984 and 1986 tax reform legislation.

As a result of reforms in the IDB program, the total amount of tax exempt small issue bonds has diminished since the 1984 high of $17.3 billion. In 1989, approximately $3.2 billion of IDBs were issued by State and local governments. Yet, the United States is getting increased value for its tax expenditure dollars from this streamlined program.

IDB eligibility has been restricted to small manufacturing firms, with no single bond issue exceeding $10 million and a $40 million cap on total tax exempt bonds outstanding per firm. In addition, IDB's have been subjected to statewide bond volume caps of $50 per capita or $150 million in small States, and most compete with other State and local programs, such as mortgage revenue and student loan bonds, for the limited pool of funds allowed under the cap.

No longer are retail firms, fast food restaurants or real estate developments eligible for IDB's. With limits on the amount of IDB funds available to any one firm, this program is best suited for the small manufacturing firms which are so important to the modern American economy. Nearly half of the U.S. manufacturing work force now works in firms with fewer than 250 workers, a dramatic shift from the 1970s, when the average factory employed 650 workers.

IDBs allow State and local communities to assist small manufacturers and target funds to firms that show the most promise of offering much needed new jobs. New York City Industrial Development Agency Chairman Leressa Crockett reported last year that minorities accounted for 61 percent and low- and moderate-income individuals accounted for 58 percent, respectively, of the new employees hired by firms receiving IDB financing in that city.

Smaller communities across America also benefit from access to IDBs. During 1990, the State of Arkansas initiated 11 new IDB funded projects worth $17.9 million which helped that State create or retain over 1,000 jobs. For the small cities and towns of our country, limited access to investment capital is often a significant barrier. By helping States and local communities to overcome this barrier, IDBs help States like Arkansas create new jobs and help industries expand.

IDB funds often provide the vital linchpin for companies seeking private capital investment. By qualifying at the State and local level for IDB funding, many companies strengthen their position to compete for scarce private investment funds. For example, the State of New Jersey provided $15 million in IDB funds for 11 projects that were then able to attract another $30 million in leveraged private investment.

States in every part of our country have found that IDBs play a valuable and integral part in their industrial growth strategies. Even States known for their ability to attract large amounts of domestic and foreign private investment find that IDBs enable them to help local communities and small manufacturers that are still not able to attract needed capital investment. By helping these small manufacturers bridge the gap between their own capital resources and the level of commercial activity likely to attract private capital investment, IDBs encourage broad-based industrial expansion and job creation. For example, the State of California, with all of its private capital resources, still found that in 1990, IDBs could play a valuable role in creating 1,633 jobs through the use of $58.3 million in IDB funding.

Last year, as part of the Omnibus Budget Reconciliation Act of 1990, Congress approved a 15-month extension, retroactive from October 1, 1990 to December 31, 1991, of State and local government authority to issue qualified small issue Industrial Development Bonds. In similar 1989 legislation, Congress extended IDBs until September 30, 1990.

Yet, there are strong reasons for providing a more lengthy extension of IDBs. According to the ACIR and Urban Institute survey, many respondents reported that uncertainty over IDB sunsets have led to an acceleration in demand for bond funds in order to beat sunset dates, when such demand might otherwise have been deferred. With State bond volume caps in place, these surges in demand create problems in allocating funds within the IDB Program and among other bond issues, such as mortgage revenue and student loan programs.

According to 1990 Joint Committee on Taxation estimates, last year's 15-month extension of IDBs will cost $300 million over 5 years. Yet, the examples cited above indicate that Industrial Development Bonds are providing the crucial means of promoting economic expansion and job creation at the State and local level.

The reforms of this program have strengthened it, and have led many of my House colleagues to actively support its extension. Last year, over 170 House Members cosponsored legislation which would have extended Industrial Development Bonds. In addition, IDB extension is actively supported by the National Governors' Association, the National League of Cities, the U.S. Conference of Mayors, and the U.S. Chamber of Commerce.

At this time, over 60 Members of the House have signed on as original cosponsors of my proposal calling for a 5-year extension of the Industrial Development Bond Program.

Mr. Speaker, the IDB Program deserves the support of the House. I urge my colleagues to join me in cosponsoring this legislation to extend for 5 years this important economic growth program.

## CALIFORNIA BANKER'S ASSOCIATION STAND ON ISSUES FACING FINANCIAL INDUSTRY

### HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. RIGGS. Mr. Speaker, California's most powerful bank lobbying group is calling for a law mandating early closure of troubled banks, the most important element in their newly released position on the bank restructuring issues under consideration by Congress.

The California Banker's Association is among the first in the Nation to take a stand on key issues facing the financial industry now that it is facing enormous losses caused by bank and S&L failures in recent years.

In an effort to stop the decline in the Bank Insurance Fund which covers losses at failed banks, the association is calling for regulators to stop allowing banks to run up large losses before seizing them, a controversial position likely to cause cries of outrage from struggling banks.

The CBA report recommends that "banks reaching the trigger for insolvency—perhaps a 2 percent capital level—would either be forced to merge or be closed down, while their assets are still marketable. This new imposed discipline will ensure minimal costs to the BIF."

E.D. "Gus" Bonta of Santa Rosa, former president and executive director and now a consultant of the California Banker's Association, said, "There are too many political decisions that come into play. Why should we refinance BIF just to keep alive a bad bank that will be a competitor and force up interest rates? We feel very strongly that this money should not go for forbearance—keeping open an insolvent bank."

Typically, a bank nearing insolvency will pay high interest rates to attract badly needed deposits, thus siphoning deposits away from stronger institutions.

Bonta was president of the California Banker's Association in 1982 and executive director from 1983 to 1989. He was president of the Bank of Sonoma County when it was purchased by Westamerica in 1983.

The Bush administation earlier this month presented its plan for restructuring the banking industry, but Bonta said it failed to address the most important issue, recapitalization of the Bank Insurance Fund.

"They didn't talk about how to raise the money, and that's the one thing FIRREA—the S&L bailout bill—said they should do," Bonta said.

The association says it wants any proposed recapitalization of the dwindling Bank Insurance Fund to be accompanied by a restructuring of deposit insurance, regulators, and bank powers.

Emphasizing that he was speaking for himself and not for members of the CBA, Bonta said, "I also feel it's very necessary to have linkage between refinancing BIF and expanding activity for banks. If not, you're going to soak the banks with additional expenses to refinance BIF but not give them a way to raise money to pay for this."

The California Banker's Association takes the position that a large one-time assessment to recapitalize the Bank Insurance Fund is not necessary, because the depth of the insurance fund's needs are not yet known.

Instead, the CBA supports a pay-as-you-go mechanism that would raise money as needed by issuing bonds that banks would repay.

Other issues addressed by the association included:

If any bank is deemed too big to be allowed to fail, the expense of saving the bank should be borne by the U.S. Treasury and not by the Bank Insurance Fund.

Deposits should continue to be insured to $100,000.

Deposits that one bank places with another should not be insured.

Deposits placed by deposit brokers should not be insured. Brokers typically represent large investors like pension funds.

Banks that use depositors' money for riskier loans or investments should have to pay higher insurance premiums to the Bank Insurance Fund.

Banks should have to pay insurance premiums to cover their foreign deposits.

The association fully supports interstate banking.

The association supports broader powers for banks.

Regarding these broader powers, Bonta said, "Regulators need to understand that when expanded powers came for S&L's, there weren't enough examiners. I think there has to be an agreement that if banks are going to get into it, there must be more examiners and examiners who understand it."

Bonta recalled that when the State banking department proposed cutting the number of examiners a few years ago, as a cost-cutting move, California banks said no.

He said that though he believed important changes need to be made in the financial industry, he doubts there are any national leaders strong enough to accomplish major reform.

## ALASKA PENINSULA WILDERNESS DESIGNATION ACT OF 1990

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill entitled as the Alaska Peninsula Wilderness Designation Act of 1990. This bill provides for the designation of approximately 2.9 million acres of wilderness in the Aniakchak National Monument and Preserve, the Alaska Peninsula National Wildlife Refuge, and the Becharof National Wildlife Refuge. In addition, the legislation also authorizes the acquisition of approximately 275,000 acres of selection rights of Koniag, Inc., a native regional corporation with interests in lands in these three conservation units. With this acquisition these units will in essence be made whole.

It may be hard to believe that I would support, much less sponsor, a bill that provides for wilderness. My opposition to wilderness designation has always been to broad sweeping designations advocated by some over the objections of local residents to preclude any opportunity for development. That is not the case here. The proposed designations do not conflict with the transportation and access corridors identified by the Bristol Bay plan. The designations have local support. The designations made by this legislation have been reviewed by the administration. They will not prevent the continued use of these lands by the sportsman and the subsistence hunter.

Additionally, Mr. Speaker, wilderness suitability determinations for the three conservation system units on the northern Alaska Peninsula—Alaska Peninsula NWR, Becharof NWR, and Aniakchak National Monument and Preserve—were made by the National Park Service and Fish and Wildlife Service pursuant to the mandate of the Alaska National Interest Lands Conservation Act. These determinations recommended that wilderness designations be made for approximately 2.8 million acres. Of these lands, 590,000 acres are in the Aniakchak National Monument and Preserve, 1,876,000 acres in the Alaska Peninsula NWR, and 347,000 acres in the Becharof NWR. The wilderness reviews for these three units stress the suitability of these lands for wilderness status and points out that the diversity of wilderness values present in these lands makes them truly unique areas in the State of Alaska. Excluded from these recommendations for wilderness designation, however, are those lands which were identi-

fied by the Bristol Bay plan as access corridors.

A major impediment to such wilderness designations is the existence of certain selection rights of Koniag, Inc. for the oil and gas estate underlying 275,000 acres under the provisions of the Alaska Native Claims Settlement Act. Such selection rights will not only preclude a wilderness designation with respect to the lands involved but the exploration and development of the oil and gas estate could also modify the wilderness values of the adjacent lands as well as those lands required for access. In the case of Aniakchak National Monument and Preserve over 30 percent of the lands found suitable for wilderness are not eligible for wilderness designation because they are directly subject to Koniag's selection rights. The development of such rights could also impact the wilderness values of a significant number of additional acres not directly subject to the right.

As the result of urgings from Alaska environmentalists, Koniag agreed to explore various alternatives for the exchange with or relinquishment to the United States of these selection rights. Given the general unavailability of satisfactory Federal lands in Alaska and elsewhere, a direct exchange does not appear to be likely. Likewise, in light of the already strong pressures on the resources of the Land and Water Conservation Act fund and other budget pressures, a direct purchase is also highly unlikely. Because of these factors, Koniag has indicated a willingness to accept certificates of value to be issued by the United States and which could be used with respect to Outer Continental Shelf oil and gas leases. Such certificates would be accepted by the United States as payment, in whole or in part, of bonuses or other cash payments or deposits in competitive lease sales conducted under the Outer Continental Shelf Lands Act, and of rentals and cash royalties on leases issued under such act. The certificates would be assignable, but only to entities qualified to bid and hold leases under the act.

The certificates of value would have face value equal to the value of the oil and gas rights selected and designated by Koniag for conveyance. This value would be determined by an independent qualified appraiser utilizing the methodology customarily used by the Mineral Management Service of the Department of the Interior in valuing such interests. The appraiser would be selected by the mutual agreement of Koniag and the Secretary. Koniag would have 180 days after the valuation determination is made to relinquish its selection rights. Upon such relinquishment, the lands formerly subject to such rights would automatically become wilderness if they had otherwise been found suitable for wilderness in the wilderness studies performed by the Fish and Wildlife Service or National Park Service.

The use of the OCS certificates is appropriate both because of the similarity to the nature of the estate given up by Koniag and because it is revenues from such OCS sources which fund the Land and Water Conservation Act fund.

Seventy percent of the value ultimately received by Koniag from the use of transfer of the certificates, after the deduction of its costs, would be sharable with all Alaska Natives under section 7(i) of the Alaska Native Claims Settlement Act.

The proposed legislation reflects a compromise by all parties. For the environmental groups, not all of the Federal lands in conservation units will be designated as wilderness. For those of us concerned about the need for access, the legislation will preserve intact those access corridors across the peninsula designated by the Bristol Bay plan. By acquiring the only substantial inholding—the Koniag lands—the Park Service and the Fish and Wildlife Service are able to effectively manage their lands without complications caused by third party development. OCS lease credits were selected as the method of compensating Koniag for several reasons. First, it avoids an exchange situation which would further diminish the remaining unreserved public lands in Alaska. By requiring the credits to be utilized for OCS leases only, no impact will be felt on State sharing. Since the revenues received by Koniag will be subject to being distributed under section 7(i), the funds will be spread throughout the State to all ANCSA corporations and all nonvillage shareholders.

The majority of these funds will flow directly into the economy of the State and be used to acquire goods and services from third parties, and invest in Alaska.

Mr. Speaker, I will cautiously move forward with this legislation. If this legislation becomes the vehicle for amendments which are contested, it will not pass, now or in the next Congress.

## BIPARTISAN MAJORITY SUPPORTS RTC BURDENSHARING AMENDMENT

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. KANJORSKI. Mr. Speaker, while much about the RTC funding bill has been controversial, one issue on which there was broad bipartisan support in the House Banking Committee, was on my burdensharing amendment. A majority of committee Republicans, as well as a majority of committee Democrats, voted for my amendment to require cost-sharing by States whose irresponsible actions created the financial disaster that we, our children, and our grandchildren, are now paying to clean up.

I want to alert my colleagues that in spite of the bipartisan support this amendment had in committee, there may be an effort to strip the amendment from the bill before it reaches the House floor.

As a result, I would like to share with the full membership of the House the text of a letter that my bipartisan cosponsors and I sent to the members of the Banking Committee explaining why cost-sharing is essential.

The American people are mad as hell about the cost of the savings and loan cleanup. It would be irresponsible of us to pass legislation providing another $30 for this cleanup if we do not require those who created the problem to pay at least a portion of the cost of the cleanup.

Mr. Speaker, States which were negligent in examining and regulating their State-chartered savings and loans, and which dispensed charters and powers like candy, should not be given a free lunch at the expense of American taxpayers. They should be made to pay their fair share of the cost of the cleanup, which is what my burdensharing amendment requires.

I urge all members to insist that any new RTC funding bill include the burdensharing amendment which was approved by a bipartisan majority of the House Banking Committee.

The letter follows:

WASHINGTON, DC,
*February 22, 1991.*

DEAR COLLEAGUE: When the House Banking Committee meets on Tuesday, February 26th, to consider the Administration's request for additional funds for the Resolution Trust Corporation we will offer an amendment to provide greater equity in apportioning the cost of this catastrophe. Our amendment is based on proposals originally offered by Representatives Kanjorski and Kaptur during the original FIRREA debate, and the Northeast-Midwest Coalition's "State Thrift Deposit Insurance Premium Act" which attracted 100 co-sponsors in the 101st Congress.

Our amendment is based on the simple principle that to the extent possible those who are responsible for creating this mess should be required to pay for cleaning it up.

As the clean-up process is currently structured, federal taxpayers are the only ones who are paying for the clean-up. This is in spite of the fact that a handful of irresponsible state governments flagrantly abused the "dual banking" partnership giving out thrift charters and powers like candy, and by failing to properly regulate and examine their state-chartered thrifts. To date 45% of the resolution costs result from the failure of state-chartered thrifts. Now federal taxpayers are paying for their excessive risk-taking.

Our amendment requires the relatively small handful of states who abused the "dual banking system to pay a special thrift deposit insurance premium if they wish to continue issuing state charters. In essence they will be given an opportunity to choose whether or not they wish to remain part of the "dual banking" system. If they do, they will have to bear a portion of the cost of paying for their past mistakes.

Enclosed is a more detailed summary of how the amendment would operate, as well as the proportion of the clean-up each state is responsible for, and the amount each state is paying for under the existing financing structure.

The existing financing structure was inequitable when the cost to federal taxpayers was only $50 billion. It is unconscionable when that cost rises to $80 billion in this bill (and to $130 billion and beyond in future years).

If you believe in the concept of the "dual banking" system our amendment gives meaning to it by requiring that the rights and privileges of the system are accompanied by the responsibilities they entail.

Sincerely,

Paul E. Kanjorski, Gerald D. Kleczka, Toby Roth, Elizabeth J. Patterson, John J. Lafalce, Carroll Hubbard, Frank Annunzio, Bruce F. Vento, Marge Roukema, Richard E. Neal.

*Members of Congress.*

## RESOLUTION OF DISAPPROVAL OF SCHEDULE OF HEIGHTS AMENDMENT ACT OF 1990

### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. COMBEST. Mr. Speaker, today I am introducing a joint resolution which disapproves the District of Columbia Council Act (D.C. Act 8–329), the Schedule of Heights Amendment Act of 1990. I ask my colleagues to disapprove this council act as it directly violates the Home Rule Act (87 Stat. 774 (1973)).

The act passed by the District of Columbia Council would amend the Building Height Act of 1910—the "1910 act"—to increase the size of buildings that may be erected adjacent to a Federal public building—in this case, a multibuilding project adjacent to the Federal Bureau of Investigation headquarters and within sight of the White House. The merits of the building project aside, the Council's action clearly violates home rule and is unlawful.

The 1910 act sprang from early congressional efforts to execute Pierre L'Enfant's grand scheme calling for a beautiful Capital City with magnificent monuments, wide avenues, and sweeping vistas unmarked by urban blight and free of choking out-of-control city growth. Congress, recognizing a unique opportunity to create a wonderous Capital City for the new United States, authorized President Washington, in 1790, to draft up plans for a capital city and issue regulations to assure the city's orderly development. His regulations ultimately evolved into Congress passing the 1910 act which set forth maximum and minimum heights and setbacks for buildings to prevent the intrusion of building projects which would threaten the monumental and historic areas and special character of the National Capital. The 1910 act embodied the congressional intent that the act could be enforced but not changed by an entity other than Congress.

The 1910 act, as amended, continues to govern the height of buildings in the District today. Authority to enforce, but not to revise, the 1910 act resided with the Commissioners of the D.C. until 1967, when their responsibilities were transferred to a Presidentially appointed District of Columbia Council (81 Stat. 948). The authority of this council was subsequently transferred to the popularly elected Council of the District of Columbia pursuant to section 401 of the Home Rule Act codified at D.C. Code § 1–221 (1981).

One issue discussed heavily during the Home Rule Act debate was the extent and limits of authority and power to be given to the locally elected officials by Congress, especially control over Federal interests. I submit that the preservation of the unique views and vistas generated by the L'Enfant and McMillian plans which have guided development in the city for nearly two centuries is indeed well within the Federal interest. The lengthy debate resulted in the codification of various limitations on the authority of the Council by the passage of section 602(a) of the Home Rule Act (§ 1–233(a) of the D.C. Code).

Of particular importance is section 602(a)(6), (§ 1–233(a)(6) of the D.C. Code) which states:

> 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 § 5–405, and in effect on December 24, 1973.

The Council's passage of D.C. Act 8–329 would permit the building of a structure in excess of the height limitations contained in § 5–405, a direct violation of the limit of authority expressly set forth under the Home Rule Act, and accordingly, must be struck down.

To do any different, to abdicate congressional responsibility and Federal authority, would open the floodgates to similar moves by the Council, waiving the building height limitations on numerous buildings throughout the city allowing for uncontrolled growth under the guise of needed projects. Of course, failure to maintain Federal authority in this case could also lead to attempts to amend or circumvent other statutes as well as the 1910 act.

My resolution does not address the merits of the building covered in D.C. Act 8–329. I recognize the need of the city to generate additional revenue and to find increased housing for the city's population. However, these interests must not be satisfied through an illegal act, a direct violation of the D.C. home rule. On several occasions since 1910, the House Committee on the District of Columbia has reported legislation to amend the 1910 act and many of these bills were enacted into law. Some of the bills provided height exemptions, above those prescribed by the 1910 act, for specific buildings to be erected at designated locations. Congress, not the Council, has the authority to amend the law and provide for needed projects. If the building called for under D.C. Act 8–329 is needed, then specific legislation waiving the 1910 act's height limitations should be brought to Congress for its consideration.

In summary, D.C. Act 8–329 is a direct violation of the Home Rule Act and must be struck down. This resolution of disapproval, aside from immediate Council action, is the shortest, easiest, and most appropriate manner in which Congress can effect a remedy of this error. If the Council, the developer, or the Pennsylvania Avenue Development Corp. would like to have the building height limitation waived so that this project can go forward then separate legislation should be introduced for Congress' consideration and action. I, for one, pledge a fair hearing with an open mind on this project. I have no preconceived position on the building project and have approached this matter from the start as a simple violation of the Home Rule which this Congess must disapprove.

## THE INTRODUCTION OF THE OSHA CRIMINAL PENALTY REFORM ACT

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. LANTOS. Mr. Speaker, today, I have reintroduced legislation to beef up criminal penalties under the Occupational Safety and Health Act [the OSH Act]. This bill grew from hearings before the Government Operations Subcommittee on Employment and Housing, which I chair.

Weak criminal penalty provisions of the OSH Act do not act as a deterrent for those few employers who willfully and recklessly expose workers to toxic substances and hazardous working conditions. Under current law, criminal penalties do not apply to workplace safety violations unless there is a resulting fatality. Safety violations which cause a serious and irreversible injury—such as loss of limbs or permanent brain damage—are not be considered a criminal violation of existing law.

The OSH Act provides that an employer convicted of violating worksite safety regulations which results in a worker's death may face up to 6 months in jail. Only two short jail terms have been imposed in OSHA's 20-year history. The legislation I am proposing today would increase the penalty to up to 10 years.

In addition, my bill adds serious bodily injury as a new section in the criminal provisions of the OSH Act. Current law provides for civil fines if an employer was found to have violated OSHA regulations resulting in worker injuries, even if the injuries are severe and permanent. My proposed legislation includes violations which cause serious injury as a criminal violation, with up to 7 years imprisonment upon conviction.

Small and underused criminal penalty provisions in the OSH Act were cited at the subcommittee hearing as an important reason why there have been so few criminal prosecutions by the Federal Government. My bill would put teeth into the OSH Act. Civil penalties for OSHA violations were increased sevenfold last fall as part of budget reconciliation. Unlike civil fines which can be passed on as part of the cost of doing business, the prospect of criminal prosecution and significant criminal penalties will do much to ensure that workplaces are safe and healthful.

Similar legislation has been introduced in the Senate, legislation which was passed by the Senate Labor Committee last year by a 2-to-1 margin. I urge my colleagues to join me in cosponsoring this important change to protect workers from dangerous, and even deadly, worksite conditions which should be and can be abated and avoided.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCE.**

(a) SHORT TITLE.—This Act may be cited as the "OSHA Criminal Penalty Reform Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

**SEC. 2. CRIMINAL PENALTIES.**

Section 17 (29 U.S.C. 666) is amended—

(1) in subsection (e)—

(A) by striking out "fine of not more than $10,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code,",

(B) by striking out "six months" and inserting in lieu thereof "10 years",

(C) by striking out "fine of not more than $20,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code,", and

(D) by striking out "one year" and inserting in lieu thereof "20 years",

(2) in subsection (f), by striking out "fine of not more than $1,000 or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,",

(3) in subsection (g), by striking out "fine of not more than $10,000, or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,",

(4) by inserting after subsection (g) the following (and by redesignating subsections (h) through (l) as subsections (l) through (n), respectively):

"(h) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation causes serious bodily injury to any employee but does not cause death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 7 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 14 years, or by both.

"(i) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation recklessly endangers human life but does not cause serious bodily injury or death to an employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or by both.", and

(5) by adding at the end the following:

"(o)(1) Any director, officer, or agent of an employer who willfully authorizes, orders, acquiesces, or carries out a violation, failure, or refusal to comply with safety or health standards under this Act shall be subject to the same criminal fines and imprisonment that may be imposed on a person under the applicable provisions of this section.

"(2) If a penalty or fine is imposed on a director, officer, or agent of an employer under paragraph (1), such penalty or fine shall not be paid (directly or indirectly) out of the assets of the employer on behalf of that individual.".

**SEC. 3. DEFINITION.**

Section 3 (29 U.S.C. 652) is amended by adding at the end the following:

"(15) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious physical disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.".

**SEC. 4. JURISDICTION FOR PROSECUTION UNDER STATE AND LOCAL CRIMINAL LAWS.**

Section 17 (29 U.S.C. 666), as amended by section 2 of this Act, is amended by adding at the end the following:

"(p) Nothing in this Act shall preclude State and local law enforcement agencies from conducting criminal prosecutions in accordance with the laws of such State or locality.".

## AMERICAN WATERWAYS OPERATORS GOAL

### HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. DAVIS. Mr. Speaker, I would like to draw the attention of my colleagues to a part of an editorial which appeared in the February 4, 1991, Waterways Journal. The editorial concerns the recent adoption of a guiding set of environmental principles by the American Waterways Operators, the national trade association of the domestic inland and coastal tug and barge industry. This industry, which moves 15 percent of the Nation's freight, including almost 30 percent of the Nation's petroleum and petroleum products, should be commended for taking a strong, proactive stand as a sign of its continuing environmental stewardship. The editorial follows:

[From the Waterways Journal, Feb. 4, 1991]

ZERO INCIDENTS GOAL

One of the latest official developments as regards the environment is The American Waterways Operators' announcement on January 22 that "The Association is completely committed to policies and practices which will maximize marine safety and environmental protection."

This national trade association has adopted a guiding set of environmental principles that state, in part, "AWO members are dedicated to continually improving operations in an effort to eliminate environmental incidents and to reduce environmental hazards to an absolute minimum." According to AWO president Joe Farrell, the adoption of these principles "solidify and articulate" this commitment within the barge and towing industry.

"There are strong business reasons why the member companies of AWO have taken this action," said Farrell. "It is fact that AWO member companies, like all companies, cannot survive indefinitely without earning profit. Nor can they any longer expect sustained commercial success without a reputation for strong environmental stewardship. In demonstrating environmental leadership, our industry's management moves toward a broadened responsibility for environmental protection, side by side with engaging in American business enterprise," he said.

The AWO points out that waterborne transportation industry plays an integral role in the commerce of the United States. Companies must develop a reputation for strong environmental stewardship in order to be commercially successful . . ."

We don't think the adoption of these principles by the AWO in any way indicates that concern for the environment did not exist in the towing industry previously. But being sympathetic toward an issue is not enough. The time comes to take a stand. And that's what we think the AWO has done. AWO members should be applauded for it.

If the principles are followed to the letter, the association's action will produce positive results for the environment, for business and for the nation in general.

The barge and towing industry hauls 15 percent of the nation's freight on 26,000 miles of navigable inland and coastal waterways, including the Mississipi and Ohio river systems, the Gulf Intracoastal Waterway, and the Atlantic and Pacific coasts. In addition to petroleum, the industry moves one-fourth of all U.S. coal, well over half of the nation's export grain, and millions of tons of basic materials.

In order to eliminate environmental incidents and to reduce environmental hazards to an absolute minimum, the AWO members approved the following principles:

Make environmental protection a priority in business planning.

Maintain active and effective environmental policies and programs designed to protect the environment.

Conduct our business, and operate and maintain our vessels and facilities in a manner that protects the environment, as well as the safety of employees and the public.

Develop and implement company programs that address education, training, and communication of environmental policies and procedures. Emphasis will be placed on the importance of strict compliance with federal, state and local laws and regulations regarding marine safety and the environment.

Maintain and update emergency response plans that will allow companies to respond swiftly to environmental incidents and minimize environmental damage.

Actively participate with government and other interested parties in creating responsible laws, regulations and programs which safeguard the environment.

Seek out, or respond to, proposed environmental matters or concerns from either the public or private sectors.

Strive to reduce vessel-generated waste and emissions by improving operating procedures.

Work in partnership with manufacturers, shippers and vendors to enhance safe transportation of products and the management of cargo residues and cleaning wastes associated with the transportation of cargoes.

## STATUS OF FEDERAL RETIREMENT APPLICATIONS PROCESSING

### HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. LLOYD. Mr. Speaker, in the past, newly retired Federal employees often faced insurmountable delays before they received their first pension check from the Government. Needless to say, this presented a great deal of hardship to these new retirees and their families, especially for those retiring due to poor health.

While the Office of Personnel Management [OPM] took much the heat for these delays, fingers began to point to the real culprits, the retirees' former employing agencies, many who gave the timely processing of needed paperwork a very low priority. As a result, many retirees were forced to borrow money or live off their savings, for up to 7 months in some cases, due to bureaucratic negligence by the

very agency to which they devoted their careers. This is certainly not the thanks one would expect on the eve of retirement.

The House Select Committee on Aging's Subcommittee on Housing and Consumer Interests, which I chair, found that in 1988, the employing agencies only got around to sending 45 percent of their retirement applications to OPM within 30 days from the date of the retirees' separations. Twenty-nine percent more drifted in between 31 and 60 days and an unconscionable 26 percent were finally received after 2 months and later. The subcommittee's former chairman introduced legislation with my support to fix this crisis and force the employing agencies to start performing their jobs correctly. The Federal Retirees Fairness Act, H.R. 1059, garnered the cosponsorship of 89 Members of this body.

The intent of the legislation was to act as an impetus to the employing agencies to provide every individual's retirement papers to OPM within 30 days of his/her separation from the agency, provide counseling to the employees on the necessary procedures they must complete at their end, and to require an annual report to Congress on the compliance of the employing agencies. A similar bill was introduced in the Senate by Senator HEINZ and Senator GRASSLEY.

I am pleased to report that a legislative fix has to date proved to be unnecessary as congressional attention and oversight provided the necessary stimulus for improvement in this area. In December 1990, the Governmentwide total for records sent to OPM within 30 days was 85 percent. Only 2 percent were received after 60 days, a vast improvement from 1988. For the record, I have included two charts tracking Governmentwide submissions of retiree records since March 1986 which were provided by the OPM.

I am sorry to report however, that the District of Columbia still has a dismal record for processing their retirees's papers in a timely fashion. From September through December, 1990, OPM received only 18 percent of the D.C. government's retirement applications within 30 days. One-quarter of all newly retired employees' applications took over 60 days to reach the OPM, presenting a great deal hardship to members of a work force already hit by difficult times. Other agencies with equally poor past records have shown that is possible to provide substantial improvement to their applications processing. I urge both the D.C. government and the OPM to do all that they can to bring about the drastic change needed for our capital city retirees.

On behalf of the newly retired employees, I would like to commend the Federal agencies for cleaning up their acts in order to provide their colleagues with a smooth transition to retirement. I would also like to assure Federal employees hearing this today that we in Congress will continue to provide the oversight needed to continue to improve the agencies' timely applications:

EXECUTIVE SUMMARY

This executive summary provides data on the timeliness of agency submissions of benefit-related applications and associated retirement records. Data shown represents the number and percentage of records received at OPM, broken down by the number of days between the employee's date of separation and the date the records are received at ESRC, Boyers, PA. In addition to Governmentwide totals (the sum of submissions from all agencies), the discrete data for those agencies with over 10,000 employees covered by CSRS and FERS is presented, as is the data for the Office of Personnel Management. The number of covered employees was derived from the semi-annual Headcount Report for March 1990, prepared by the Office of Financial Control and Management.

AGING OF SEPARATIONS REPORT
[Period reviewed]

| Agency and report period | 0–30 | | 31–60 | | Over 60 | | Total records | Number employees with CSRS or FERS |
|---|---|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Number | Percent | | |
| Governmentwide total: | | | | | | | | |
| October 1990 | 5,692 | 67 | 2,387 | 28 | 455 | 5 | 8,534 | 2,877,474 |
| November 1990 | 7,421 | 74 | 2,179 | 21 | 540 | 5 | 10,140 | |
| December 1990 | 19,595 | 85 | 3,042 | 13 | 462 | 2 | 23,099 | |
| Total 4th quarter, calendar year 1990 | 32,708 | 79 | 7,608 | 18 | 1,457 | 3 | 41,773 | |
| U.S. Postal Service: | | | | | | | | |
| October 1990 | 1,015 | 67 | 385 | 25 | 121 | 8 | 1,521 | 755,054 |
| November 1990 | 2,541 | 83 | 288 | 9 | 254 | 8 | 3,083 | |
| December 1990 | 7,017 | 87 | 936 | 12 | 101 | 1 | 8,054 | |
| Total 4th quarter, calendar year 1990 | 10,573 | 84 | 1,609 | 13 | 476 | 3 | 12,658 | |
| Department of Army: | | | | | | | | |
| October 1990 | 970 | 63 | 519 | 33 | 62 | 4 | 1,551 | 396,147 |
| November 1990 | 884 | 56 | 630 | 40 | 72 | 4 | 1,586 | |
| December 1990 | 1,663 | 75 | 450 | 20 | 111 | 5 | 2,224 | |
| Total 4th quarter, calendar year 1990 | 3,517 | 66 | 1,599 | 30 | 245 | 4 | 5,361 | |
| Department of Navy: | | | | | | | | |
| October 1990 | 538 | 54 | 406 | 41 | 49 | 5 | 993 | 316,827 |
| November 1990 | 722 | 65 | 348 | 31 | 46 | 4 | 1,116 | |
| December 1990 | 1,746 | 85 | 269 | 13 | 44 | 2 | 2,059 | |
| Total 4th quarter, calendar year 1990 | 3,006 | 72 | 1,023 | 25 | 139 | 3 | 4,168 | |
| Department of Air Force: | | | | | | | | |
| October 1990 | 999 | 86 | 143 | 12 | 18 | 2 | 1,160 | 256,163 |
| November 1990 | 790 | 71 | 285 | 26 | 31 | 3 | 1,106 | |
| December 1990 | 2,898 | 83 | 558 | 16 | 40 | 1 | 3,496 | |
| Total 4th quarter, calendar year 1990 | 4,687 | 81 | 986 | 17 | 89 | 2 | 5,762 | |
| Department of Veterans Affairs: | | | | | | | | |
| October 1990 | 479 | 74 | 101 | 16 | 66 | 10 | 646 | 218,543 |
| November 1990 | 437 | 85 | 74 | 14 | 3 | 1 | 514 | |
| December 1990 | 1,362 | 91 | 128 | 9 | 13 | 0 | 1,503 | |
| Total 4th quarter, calendar year 1990 | 2,278 | 86 | 303 | 11 | 82 | 3 | 2,663 | |
| Department of Treasury: | | | | | | | | |
| October 1990 | 242 | 87 | 29 | 10 | 7 | 3 | 278 | 168,125 |
| November 1990 | 191 | 86 | 22 | 10 | 9 | 4 | 222 | |
| December 1990 | 463 | 81 | 99 | 17 | 13 | 2 | 575 | |
| Total 4th quarter, calendar year 1990 | 896 | 83 | 150 | 14 | 29 | 3 | 1,075 | |
| Department of Agriculture: | | | | | | | | |
| October 1990 | 251 | 73 | 81 | 24 | 10 | 3 | 342 | 118,078 |
| November 1990 | 354 | 82 | 70 | 16 | 9 | 2 | 433 | |
| December 1990 | 860 | 84 | 154 | 15 | 12 | 1 | 1,026 | |
| Total 4th quarter, calendar year 1990 | 1,465 | 81 | 30.5 | 17 | 31 | 2 | 1,801 | |
| Department of Health and Human Services: | | | | | | | | |
| October 1990 | 343 | 87 | 45 | 11 | 6 | 2 | 394 | 114,200 |
| November 1990 | 330 | 84 | 59 | 15 | 4 | 1 | 393 | |
| December 1990 | 695 | 91 | 64 | 8 | 5 | 1 | 764 | |

AGING OF SEPARATIONS REPORT—Continued

[Period reviewed]

| Agency and report period | 0–30 | | 31–60 | | Over 60 | | Total records | Number employees with CSRS or FERS |
|---|---|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Number | Percent | | |
| Total 4th quarter, calendar year 1990 | 1,368 | 88 | 168 | 11 | 15 | 1 | 1,551 | |
| Department of Justice: | | | | | | | | |
| October 1990 | 70 | 75 | 21 | 23 | 2 | 2 | 93 | 77,447 |
| November 1990 | 101 | 84 | 16 | 13 | 4 | 3 | 121 | |
| December 1990 | 159 | 85 | 23 | 12 | 5 | 3 | 187 | |
| Total 4th quarter, calendar year 1990 | 330 | 82 | 60 | 15 | 11 | 3 | 401 | |
| Department of Interior: | | | | | | | | |
| October 1990 | 151 | 84 | 23 | 13 | 6 | 3 | 180 | 67,212 |
| November 1990 | 150 | 82 | 26 | 14 | 7 | 4 | 183 | |
| December 1990 | 454 | 97 | 15 | 3 | 2 | 0 | 471 | |
| Total 4th quarter, calendar year 1990 | 755 | 91 | 64 | 8 | 15 | 1 | 834 | |
| Department of Transportation: | | | | | | | | |
| October 1990 | 61 | 26 | 174 | 72 | 6 | 2 | 241 | 64,518 |
| November 1990 | 189 | 64 | 97 | 32 | 13 | 4 | 299 | |
| December 1990 | 459 | 96 | 12 | 3 | 7 | 1 | 478 | |
| Total 4th quarter, calendar year 1990 | 709 | 70 | 283 | 28 | 26 | 2 | 1,018 | |
| Army Corps of Engineers: | | | | | | | | |
| October 1990 | 86 | 52 | 72 | 43 | 8 | 5 | 166 | 37,840 |
| November 1990 | 125 | 75 | 34 | 20 | 8 | 5 | 167 | |
| December 1990 | 333 | 86 | 47 | 12 | 9 | 2 | 389 | |
| Total 4th quarter, calendar year 1990 | 544 | 76 | 153 | 21 | 25 | 3 | 722 | |
| Department of Commerce: [1] | | | | | | | | |
| October 1990 | 36 | 77 | 11 | 23 | 0 | 0 | 47 | 32,073 |
| November 1990 | 73 | 93 | 5 | 6 | 1 | 1 | 79 | |
| December 1990 | 231 | 93 | 18 | 7 | 1 | 0 | 250 | |
| Total 4th quarter, calendar year 1990 | 340 | 90 | 34 | 9 | 2 | 1 | 376 | |
| Government of the District of Columbia: | | | | | | | | |
| October 1990 | 18 | 14 | 80 | 59 | 37 | 27 | 135 | 27,249 |
| November 1990 | 8 | 12 | 33 | 50 | 25 | 38 | 66 | |
| December 1990 | 41 | 24 | 100 | 59 | 29 | 17 | 170 | |
| Total 4th quarter, calendar year 1990 | 67 | 18 | 213 | 57 | 91 | 25 | 371 | |
| National Aeronautics and Space Administration: | | | | | | | | |
| October 1990 | 56 | 64 | 24 | 28 | 7 | 8 | 87 | 23,885 |
| November 1990 | 55 | 86 | 7 | 11 | 2 | 3 | 64 | |
| December 1990 | 207 | 95 | 12 | 5 | 1 | 0 | 220 | |
| Total 4th quarter, calendar year 1990 | 318 | 86 | 43 | 12 | 10 | 2 | 371 | |
| General Services Administration: | | | | | | | | |
| October 1990 | 69 | 85 | 12 | 15 | 0 | 0 | 81 | 21,871 |
| November 1990 | 71 | 91 | 7 | 9 | 0 | 0 | 78 | |
| December 1990 | 194 | 95 | 10 | 5 | 1 | 0 | 205 | |
| Total 4th quarter, calendar year 1990 | 334 | 92 | 29 | 8 | 1 | 0 | 364 | |
| Administrative Office of the U.S. Courts: | | | | | | | | |
| October 1990 | 13 | 59 | 8 | 36 | 1 | 5 | 22 | 18,348 |
| November 1990 | 22 | 79 | 5 | 18 | 1 | 3 | 28 | |
| December 1990 | 35 | 90 | 2 | 5 | 2 | 5 | 39 | |
| Total 4th quarter, calendar year 1990 | 70 | 79 | 15 | 17 | 4 | 4 | 89 | |
| Supreme Court: | | | | | | | | |
| October 1990 | 0 | 0 | 8 | 89 | 1 | 11 | 9 | (2) |
| November 1990 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| December 1990 | 3 | 100 | 0 | 0 | 0 | 0 | 3 | |
| Total 4th quarter, calendar year 1990 | 3 | 25 | 8 | 67 | 1 | 8 | 12 | |
| Department of Labor: | | | | | | | | |
| October 1990 | 31 | 76 | 7 | 17 | 3 | 7 | 41 | 17,906 |
| November 1990 | 66 | 90 | 7 | 10 | 0 | 0 | 73 | |
| December 1990 | 141 | 95 | 8 | 5 | 0 | 0 | 149 | |
| Total 4th quarter, calendar year 1990 | 238 | 91 | 22 | 8 | 3 | 1 | 263 | |
| Department of Energy: | | | | | | | | |
| October 1990 | 29 | 83 | 6 | 17 | 0 | 0 | 35 | 16,703 |
| November 1990 | 53 | 93 | 4 | 7 | 0 | 0 | 57 | |
| December 1990 | 84 | 89 | 8 | 9 | 2 | 2 | 94 | |
| Total 4th quarter, calendar year 1990 | 166 | 89 | 18 | 10 | 2 | 1 | 186 | |
| Environmental Protection Agency: | | | | | | | | |
| October 1990 | 19 | 66 | 9 | 31 | 1 | 3 | 29 | 14,923 |
| November 1990 | 28 | 76 | 8 | 22 | 1 | 2 | 37 | |
| December 1990 | 57 | 93 | 3 | 5 | 1 | 2 | 61 | |
| Total 4th quarter, calendar year 1990 | 104 | 82 | 20 | 16 | 3 | 2 | 127 | |
| Department of Housing and Urban Development: [1] | | | | | | | | |
| October 1990 | 23 | 80 | 5 | 17 | 1 | 3 | 29 | 12,993 |
| November 1990 | 51 | 94 | 2 | 4 | 1 | 2 | 54 | |
| December 1990 | 98 | 84 | 17 | 15 | 1 | 1 | 116 | |
| Total 4th quarter, calendar year 1990 | 172 | 86 | 24 | 12 | 3 | 2 | 199 | |
| Office of Personnel Management: | | | | | | | | |
| October 1990 | 10 | 59 | 4 | 24 | 3 | 17 | 17 | 6,904 |
| November 1990 | 9 | 64 | 4 | 29 | 1 | 7 | 14 | |
| December 1990 | 31 | 86 | 4 | 11 | 1 | 3 | 36 | |

AGING OF SEPARATIONS REPORT—Continued

[Period reviewed]

| Agency and report period | 0–30 | | 31–60 | | Over 60 | | Total records | Number employees with CSRS or FERS |
|---|---|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Number | Percent | | |
| Total 4th quarter, calendar year 1990 | 50 | 75 | 12 | 18 | 5 | 7 | 67 | |

[1] Reported submissions included those processed through Department of Agriculture's National Finance Center.
[2] Covered employees for the Supreme Court are included in the total shown for the Administrative Office of the U.S. Courts.

## THE NUCLEAR POWERPLANT STANDARDIZATION AND LICENSING REFORM ACT OF 1991

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. CLEMENT. Mr. Speaker, last night, the President ordered a cease-fire in the Persian Gulf war and announced a new postwar strategy in the aftermath of the war. Any sound and reasonable postwar strategy must include consideration of our Nation's energy policy. As part of that effort, today, I rise to introduce the Nuclear Powerplant Standardization and Licensing Reform Act of 1991.

For too long, our Nation lacked a national strategy that provides energy security. Events in the Middle East have shattered any notion that further inaction can be tolerated. If we, as a nation, are going to reduce our dependence on foreign oil, Congress must restore the nuclear energy option.

Currently, nuclear powerplants generate about 20 percent of our Nation's electricity. Nuclear power is a proven electricity—generating technology that emits no sulfur dioxide, nitrogen oxides, or greenhouse gases. And, in terms of public health consequences, the safety of the U.S. nuclear power industry has been excellent. With respect to energy security, the United States would not have to depend on foreign fuel supply.

Unfortunately, the United States has lost its ability to construct nuclear powerplants. Huge cost overruns and regulatory problems have led to extreme reluctance by U.S. utilities to order new nuclear plants. All U.S. reactors ordered since 1973 have been canceled, and no orders have been placed since 1978.

When I served on the TVA Board of Directors from 1979 to 1981, I experienced firsthand problems associated with its nuclear program. TVA originally planned to construct 17 reactors at a total cost of $6 billion. The total cost today is over $18 billion. The Watts Bar Plant in Tennessee has been under construction for 19 years and still may be several years from completion. However, industry studies conclude that standardization and licensing reform will reduce construction costs by 55 percent and result in plant operations within 6 years after the start of construction.

To add certainty and predictability in the licensing process while at the same time preserving the Nuclear Regulatory Commission's authority to take any action necessary to protect the public health and safety, I am introducing the Nuclear Powerplant Standardization and Licensing Reform Act. This legislation in no way diminishes the responsibility of the NRC to determine license conformance and to assure the complete safety of nuclear powerplants.

The legislation is designed to encourage the development and use of standardized plant designs and improve the nuclear licensing and regulatory process. I believe this legislation provides a solid foundation for the NRC to implement a process which will provide reasonable assurance that a plant constructed in accordance with its license will be allowed to operate without undue delays. Furthermore, it will make the business of nuclear utilities more attractive to investors and help these companies to raise needed capital at a reasonable cost.

For the benefit of my colleagues, a summary of the Nuclear Powerplant Standardization and Licensing Reform Act of 1991 appears after my remarks. I urge my colleagues to take a look at this legislation and consider supporting it.

SUMMARY OF THE NUCLEAR POWERPLANT STANDARDIZATION AND LICENSING REFORM ACT OF 1991

PURPOSE

To encourage the development and use of standardized plant designs and improve the nuclear licensing and regulatory process.

APPROVAL OF STANDARDIZED DESIGNS AND FACILITY SITES

Codifies the Nuclear Regulatory Commission (NRC) final rule that provides for Commission certification of essentially complete standard designs in rulemaking proceedings. The rulemakings allow for full public participation prior to approval of the standardized design.

Codifies the NRC final rule on the issuance of early site permits, which are commission approval of sites in the absence of a specific design, but on the basis of a range of design features. The site permit is good for up to 20 years.

The provisions for early site permits make it possible for utility applicants for construction permits, or combined licenses, to combine and approved site and a certified design and thereby have resolved the bulk of the licensing issues before the commencement of the combined license proceeding.

COMBINED CONSTRUCTION PERMIT AND OPERATING LICENSE

The provisions allow the NRC to issue a combined license authorizing construction and operation of a facility. The combined license will incorporate a program of tests, inspections, analyses which shall be performed, and acceptance criteria for emergency preparedness.

HEARINGS

Under the legislation, there will be an opportunity for a hearing after construction in a very limited area. A person may request a hearing only on the question whether the facility as constructed, complied, or on completion will comply, with the acceptance criteria of the license.

The NRC will have 30 days to deny or grant the request for a hearing.

If a hearing is granted, the operation of the plant will not be delayed unless the NRC determines that the operation of the facility is not in the interest of the public health and safety or the common defense and security.

The NRC shall issue a decision on the issues considered in the hearing within 180 days of the hearing.

AMENDMENTS TO COMBINED CONSTRUCTION PERMITS AND OPERATING LICENSE

In the case of a proposed amendment to a combined license, the NRC shall not delay the construction or operation of the facility pending completion of the proceeding unless the NRC determines that the construction or operation of the facility would not be in the interest of the public health and safety.

## TRIBUTE TO THE LATE JACK COOPERSMITH

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. ACKERMAN. Mr. Speaker, we all lost a dear friend recently when Jack Coopersmith passed away. Those who knew Jack can well understand the deep void that must encompass his family now. While searching for the correct words with which to remember this fine American, I came across the eulogy by Jack's son, Jeffrey. I would like to share those moving words with all of my colleagues.

EULOGY

On behalf of the family, I want to thank you all for joining us. Dad succumbed after a long bout with cancer. Even his sagacious doctors marveled over this staying power. But the fact that Dad perservered is not as remarkable as how he perservered. He let illness take his body but not his dignity. He let illness take his capacity to perform the most rudimentary functions, but he did not let it take his capacity to charm. Perhaps most telling of all, in this day of gaudy introspection, is that he suffered without complaint.

Dad, of course, would not have us dwell on suffering, especially his suffering. He sought neither fuss nor fanfare. He would describe himself with his trademark simplicity and brevity: he would boast of his extraordinary wife, his devoted children, and his loyal friends, many of whom he had known for over half a century. We want—we need—to say more, to savor our time with the gentlest, sweetest soul we are ever likely to meet.

At moments like these we always seem to recall the little things. Who can forget Dad's office. A visitor would never guess that the occupant—who worked in his father's fish stall as a boy—was now entertaining world leaders. The lone room was strewn with Army surplus furniture that somehow man-

aged to retain the original dust. Around the walls were stacks of discarded grocery store boxes each bearing the year of the files kept inside. For air conditioning Dad had his window, for entertainment Dad had an old radio that glowed orange for several minutes before deciding whether it would allow music to sputter forth. The visitor should have been advised to travel alone, for there was only one folding chair. An upturned trash can was available for crowds of two.

More small moments. We children remember being roused each morning by noises downstairs: my immediate thoughts were about how to accost this prowler, before quickly realizing that the clangs and clatters were from my clumsy father, rising early to prepare breakfast for everyone. We children also remember that wherever we wandered off to, Dad would send us letters written in his large and largely indecipherable scrawl. The salutation to my letters would usually read something like "Dear Esteemed and Principled If Occasionally Misguided Son."

As I stand here on the altar I recall when Dad and I were here for Yom Kippur, the Day of Atonement. The rabbi had reached the part of the service which mentions all the sins for which we were supposed to atone. He began reciting: Avarice, Lust, Envy . . . no problem so far . . . and then the rabbi uttered the work Gluttony. Dad turned to me and said, "Now we're sunk."

All of us have our own moments of joy with Dad. We should think back fondly on them, and, yes, we should mourn that we will have no more. The tears will fall in drops, the tears will fall in torrents, and this is how it should be. Beware though—these waters have an undertow; let us not drown in them.

Let us instead do what Dad would have us do: celebrate life. Be grateful for life. From this day forward let us strive to emulate Dad's example. Before we commit our next selfish act, let us pause and remember Dad's generosity. Before we commit our next impulsive act, let us pause and remember Dad's patience. Before we commit our next impetuous act, let us pause and remember Dad's humility.

School children will not study Dad's life and works. Tourists will not pass by his gravesite. But in this city of monuments, none is more stirring than the values he embodied. So let us resolve that, although we bury Jack Coopersmith today, we will see that his memory shall endure.

## CELEBRATING THE LIBERATION OF KUWAIT

### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. MARTINEZ. Mr. Speaker, I rise today to join with my colleagues in celebrating the liberation of Kuwait. This is a proud moment for America and we owe our pride to the men and women in our Armed Forces. Our pride is epitomized by the pictures we have seen of Kuwaitis waiving American flags and cheering American soldiers upon their liberation of Kuwait City.

Mr. Speaker, I want to pay tribute to our soldiers, airmen, and sailors today by introducing H.R. 1195, legislation to eliminate unfair restrictions on unemployment benefits provided to military reservists who were called to duty as a result of the Persian Gulf crisis.

Under current law, military personnel must wait for 4 weeks to receive unemployment compensation while civilians usually receive such compensation in one week. Moreover, military personnel may only receive unemployment compensation for 13 weeks while everyone else can receive up to 27 weeks of benefits.

Military reservists from the Persian Gulf will come home to an economy in recession where the dislocation of workers will be commonplace. Given their sacrifice, it is only fair that they be allowed to receive full unemployment compensation if they find themselves dislocated.

To that end, H.R. 1195 will remove restrictions on unemployment benefits provided to military reservists who served as a result of the Persian Gulf war. In addition, H.R. 1195 would require states to ensure that eligible reservists receive unemployment compensation immediately.

In closing, I hope that my colleagues will honor those who have made us so proud by cosponsoring this crucial legislation.

## SEVERE HUMAN RIGHTS VIOLATIONS AGAINST ALBANIANS IN YUGOSLAVIA—TESTIMONY OF JOSEPH DIOGUARDI

### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. SWETT. Mr. Speaker, the appalling treatment of ethnic Albanians in Yugoslavia is one of the worst cases of human rights abuse reported in the State Department's "Country Reports on Human Rights Practices in 1990," which was recently released. The Albanians in Yugoslavia, which makeup the overwhelming majority of the population of the province of Kosova, have been subject to systematic discrimination, denial of their rights of freedom of speech and assembly, physical abuse and imprisonment. The Government of the Republic of Serbia, which now controls Kosova, has officially led the campaign of bigotry and intolerance against the Albanians.

Mr. Speaker, the Senate Foreign Relations Committee held an important hearing a few days ago on the future of Yugoslavia and the progress of democracy and pluralism there. That hearing focused appropriately on the severe human rights abuses being perpetrated by officials of the Serbian Republic. At that hearing, Joseph J. DioGuardi, a former member of Congress and the President of the Albanian-American Civic League spoke eloquently about human rights violations in Kosova. Mr. Speaker, I ask that his testimony be placed in the RECORD, and I urge my colleagues to give it thoughtful and serious attention.

TESTIMONY HON. JOSEPH J. DIOGUARDI, EUROPEAN SUBCOMMITTEE, SENATE FOREIGN RELATIONS COMMITTEE

Mr. Chairman, the recently issued State Department Country Report on Yugoslavia for 1990 does a good job in reporting the gross violations of human rights against Albanians in Yugoslavia, especially in Kosova. I agree with the latest Helsinki Watch Report that the credit for this goes to the staff of the U.S. Embassy in Belgrade, especially our Ambassador, Warren Zimmerman, for excellent work in monitoring and reporting the true state of human affairs in Yugoslavia.

The Country Report describes Yugoslavia as being in a process of change toward democracy with the notable exception of Serbia and Montenegro. Although advances have been made in the northern Republics of Slovenia and Croatia, the situation has deteriorated dangerously in Kosova. To cite just one outrageous example, a doctor who was not a defendant testified that Serbian police had ordered him to examine Albanian prisoners "to see how much beating they could withstand".

Arbitrary arrests occurred in Kosova where Albanians are routinely accused on the basis of an unsupported statement by a single policeman. It is believed that over 5,000 Albanians were arrested just for participating in the 1990 demonstrations. Courts are politically motivated, and in Yugoslavia there is strong opposition to the introduction of a genuinely independent judiciary.

While Albanians living outside Kosova (in Macedonia for example) have also charged that courts are often biased against them, in Kosova itself (where most of the three million Albanians in Yugoslavia live) any semblance of an independent judiciary has disappeared since the Serbian occupation on July 5, 1990. The Country Report writes: "Most ethnic Albanian judicial officials and judges were replaced by ethnic Serbs, and thousands of Albanians were sentenced on a variety of trumped up criminal charges". As a result, the vast majority of those sentenced in 1990 for political offenses were ethnic Albanians (160 out of a total of 190).

In Kosova, police search homes without a warrant ostensibly searching for weapons, but confiscate hard currency and other valuables. All Albanians in Kosova are fair game, including the clergy.

Albanian demonstrations have been crushed with the use of excessive force, in violation of all basic human rights. Between January 24 and February 3, 1990, at least 30 Albanians were killed and the number may be even much higher. Even a gathering in Prishtina to welcome a U.S. Senatorial delegation headed by Senator Bob Dole last August left 46 Albanians beaten with clubs and subjected to tear gas and water cannons. A few days later, four more Albanians were killed by Serbian police. Following the occupation of Kosova, almost all Albanian language media were suppressed, including the Prishtina Radio and T.V., and the only Albanian daily newspaper, Relindja.

In education, at least 90 university professors were fired. Almost the entire teaching staff of the Medical School in Prishtina—76 instructors—were also fired, all of them Albanian, and all because they refused to take an oath of allegiance to the Republic of Serbia.

Freedom of peaceful assembly and association does not exist for Albanians. Any gathering is seen as being "hostile to the policies of the Serbian government", and ends up in arrest, sometimes accompanied by loss of human lives. This illegal practice is used also against the Albanians in Macedonia. Last February, 107 Albanian demonstrators were detained in Tetova, mistreated by the police and many of them were sentenced to jail. The law against "association for purposes of hostile activities" has been used to

prosecute Albanians who advocate Republic status for Kosova. The penalty for this verbal expression has been 5 to 15 years imprisonment.

The Country Report confirms that "Serbian election law denies registration to any party that does not accept the territorial integrity of Serbia, a provision that is aimed at Albanian political parties, almost all of which seek separate status for Kosova within Yugoslavia, but outside Serbia". The measure left no choice for Albanians but to totally boycott the elections in Serbia last December.

Freedom of movement is curtailed, expecially for Albanians. Albanian refugees from Albania were sent back in spite of the protests of the U.N. Commissioner for Refugees. Of the 1,241 passports refused, 90 percent were Albanians. With the occupation of Kosova by Serbia all civil rights of citizens were eliminated. Serbia abolished the Assembly of Kosova, the Executive Council, the judiciary, and the police of Kosova, taking full and unbridged control of the region, allegedly for "endangering the territorial integrity of Serbia".

Social prejudice against Albanians is deeply rooted. Macedonia limits social welfare payments to the first three children in a family, a policy aimed primarily at ethnic Albanians. In the last election in Macedonia (November 1990) some of the elected Albanian delegates were denied admittance to the Assembly and, more recently, in local elections Albanians were excluded from town and village councils even in the areas where they represent a majority.

Albanian trade union leaders are routinely jailed. The peaceful Labor Day strike was observed by virtually all the working and school age population. But over 50,000 workers have been fired since then, and private businesses were padlocked by police and not allowed to open. Albanians are also the notable exception with the respect to the right to strike. And finally, a new form of forced labor has been instituted by Serbia in Kosova, the so-called "work obligation" where the refusal to work is punishable by administrative and criminal sanctions.

Having cited the many ways in which the Serbian authorities cause human misery for Albanians in Yugoslavia on a daily basis, I would like to now, Mr. Chairman, deal with the Albanian request for Republic Status for Kosova within Yugoslavia but outside Serbia which seems to be the only way to guarantee equal treatment for the Albanian people there. (By the way, the simple voicing of such a request is now punishable by law, even though this is a gross violation of the right to free speech.)

On July 2, 1990, one hundred fifteen delegates of the Assembly of Kosova proclaimed the independence of Kosova within the Yugoslav Federation/Confederation. Three days later, Serbia declared this constitutional act to be null and void, imposed a military occupation, and destroyed the former autonomy of Kosova. The Assembly of Kosova went underground and, on September 7, 1990, the delegates met clandestinely in the town of Kachanik (Kosova), where they promulgated the Constitution of the Republic of Kosova. Serbia issued warrants for the arrest of all the delegates. They escaped, and are now either in hiding or in exile.

Let me now, Mr. Chairman, offer the following in support of the actions of the Kosova Assembly:

A. The proclamation of the independence of Kosova and the Constitution of the Republic of Kosova are a reaction to the suppression and the continuous violation of human and national rights of the Albanian majority (about 90 percent) of Kosova. As was the case for "The Intolerable Acts" of 1774 in the colonial America, which brought America's Independence and our Constitution, 45 years of Serbian repression (1945-1990) justified the Albanian resistance by both history and tradition, placing the burden of the conflict on the Serbian Government. The same situation was repeated with the "troisieme Etat" in 1789, in France. When the people were convinced that their grievances went unheeded, they proclaimed themselves the National Assembly, drafted the Constitution, and established the Republic of France. In 1990, Albanians in Kosova did just that!

B. The demand for a Republic of Kosova has clearly taken the modern form of the perennial quest for elementary justice. For Albanians this is an effort to avoid persecution and prosecution, to avoid mass arrests, widespread torture, imprisonment, and deaths in jail or on the streets of Kosova. Therefore, the establishment of the Republic of Kosova, free, equal and sovereign within the Yugoslav Federation/ Confederation is simply an "insurance policy", an indispensable mechanism of defense against Serbian abuses, and cannot be construed as an obsession to have a state, or as an attempt to secede. It would be foolish for Albanians to accept any "warranties" from a Government which has oppressed them for 45 long years.

C. The entire resistance movement in Kosova is peaceful, non-violent and civilized, asking only for a dialogue among equals and for free elections. In spite of the daily provocations by the occupying Serbian police and Army units—arrests, house searches, beatings, torture, jailing, forceful unemployment, denial of education and health services, the destruction of Kosova's economy and administration—not one single incident has been provoked by Albanians. A secession movement would inevitably call for violence (for example Northern Ireland, the Basks etc.). In Kosova, it did not!

It is logical to conclude that the struggle in Kosova is neither ethnic nor religious, as the Serbian propaganda machine wants us to believe, but a fight between democracy and the residues of Serbian bolshevism in Belgrade.

D. There are three million Albanians in Yugoslavia, 45 percent of the Albanian nation in the Balkans. Only about two million live in Kosova. The rest live in Macedonia (over 700,000), in Serbia Proper and in Montenegro. If the intention of the Albanians were to unite with their mother country, Albania, it is logical to think that they would first ask for the unification of all Albanians in Yugoslavia within a Republic (the way Serbia is now asking for the unification of all Serbs within a "Greater Serbian" State) and then, as a second step, to join with Albania. The present demand for the Republic of Kosova does not include the over one million Albanians outside Kosova. Any attempt by the Republic of Kosova to join with Albania by leaving over a million Albanians still in Yugoslavia under Serbia's control would be treated as "an act of treason" by all Albanians. Therefore, such an act will not be undertaken or promoted by any Albanian leader, inside or outside Albania, now or in the future. Furthermore, if over a million Albanians were left within Yugoslavia as a minority, they would continue to be a constant source of friction between Yugoslavia and Albania.

It is logical to conclude that the joining of the Republic of Kosova with Albania is not a solution, but merely propaganda contrived by the Serbian Communists to suppress Albanian aspirations for democracy within Yugoslavia.

E. The entire problem of Kosova has reached disturbing proportions, not because of the Albanian demands to secure for themselves the necessary conditions to live free from fear and free from hunger—which they perceive as achievable under a free, equal and sovereign Republic within Yugoslavia. The real problems in Kosova are the policies of the present Communist Government of Serbia and its expressed chauvinist ambitions through the statements of its president, Slobodan Milosevic rejecting democracy and trying to create a Greater Serbian State in Yugoslavia which would include, of course, all of Kosova.

A Republic of Kosova, democratically established, is a substantial contribution to keeping Serbian expansion in check, and in safeguarding the unity and integrity of the Yugoslav State (whether it be a Federation or Confederation) through democratic and peaceful means, a solution which is also supported by the policies of the U.S. Government.

The rejection of Communism by the Albanian people brought "the democratic opposition" to the surface, initially with the Democratic Alliance of Kosova, and later with four more political parties, and the Council for the Defense of Rights and Liberties in Kosova. Their orientation is predetermined by the principles of the U.N. Charter, U.N. Universal Declaration on Human Rights, the 1975 Helsinki Act and more recently the Copenhagen and Paris Charter. (See very recent declaration by democratic leaders attached).

In spite of all that I and all internationally recognized human rights and public watchdog groups have said about the outrageous "apartheid" that exists in Kosova today, our State Department, while admitting the wanton abuse of the Albanian people by the Serbian authorities, has argued against and activity resisted every reasonable Congressional Resolution, Amendment and Statement on Kosova. Why?

If I understand the Administration's position correctly, their refusal to actively support democracy in Kosova and, therefore, in Serbia, is based on three shaky principles. First, it could adversely challenge the U.S. State Department's policy on Yugoslavia. Second, it could precipitate the dissolution of Yugoslavia. Third, it could disrupt the process of democratization taking place in Yugoslavia. As a former Member who championed this cause while in the Congress from 1985 to 1988, I would like to take issue with the Administration on all three points.

As regards the Yugoslav policy of the U.S. State Department. An article in the June 28, 1990 "New York Review of Books" explains that, for geo-political and security reasons, the U.S. State Department has long credited Yugoslavia with the reputation of a progressive nation, free of major human rights abuses. Given the avowed end of the Cold War, the well publicized divisions in Yugoslavia's collectivized government, and the obsolescence of both the Yugoslav and Soviet models of Communism, the old geo-political reasons can no longer serve to justify the failure of the U.S. Government and Congress to bring to light and loudly condemn the gross violation of human rights that prevail against Albanians in Yugoslavia today, especially in Kosova.

As regards the precipitation of the dissolution of Yugoslavia. "The New York Times"

of September 6, 1990 describing Serbian repression against the ethnic Albanian minority of Kosova, quotes a Serbian foreign affairs spokesman as saying "any steps denying Serbia economic aid would spell the dissolution of Yugoslavia." I strongly contend (along with many prominent Senators and House Members, including Senators Dole, Pressler, D'Amato, Nickles, Lautenberg and Congressmen Lantos, Gilman Porter and Brown) that not U.S. economic sanctions but their target—namely, Serbia's ethnically based subjugation of Kosova is what threatens the integrity of Yugoslavia today! In 1990, while democratic liberalization took hold in Croatia and Slovenia, Serbia's communist regime retrenced in Kosova. Because of this and other Serbian outrages, hostility is rising and Yugoslavia is moving ever closer not only towards political disintegration but also towards civil war. Both can be averted, according to "The Finanical Times" of September 14, but only if Serbia ends its ethnically-based subjugation of Kosova.

As regards the disruption of the democratization process occurring in Yugoslavia. The July 15, 1990 "New York Review of Books" suggested that the incipient Yugoslav democratic revolution has been blocked in the Autonomous Province of Kosova and the Republic of Serbia by Slobodan Milosevic, the President of the Republic and chairman of the Socialist Party, of Serbia, formerly the Communist League. Mr. Milosevic was the first to stir nationalist feelings two years ago with a campaign to restore Serbian dominance over the Albanians in Kosova. In a few moves, he transformed Kosova from a Yugoslav Autonomous Province with a right to home rule to little more than a colony of Serbia without any right to participate in public or economic life. Unless the obstacles of Albanian disenfranchisement are removed, the democratic revolution will not go forward and Yugoslavia will remain the odd-man-out in Europe.

In conclusion, Mr. Chairman, the biggest paradox and shame of Europe today is the ugly situation in Kosova. Caught between the two communist regimes in Serbia and Albania, Kosova remains the only region of Europe where free elections are denied to the local majority population. It is my hope and the hope of all Albanian Americans and other citizens of goodwill that a new State Department policy in support of democracy in Kosova along with continued pressure from Congress in 1991 will eliminate this eyesore in the democratic landscape of a free and prosperous Europe.

Thank you, Mr. Chairman, for the opportunity to testify.

OFFICIAL STATEMENT OF THE DEMOCRATIC LEADERS OF KOSOVA

Being faced with the Present Oppressive Situation in Kosova, we urge

The lifting of the state of emergency and the reinstitution of the constitutional order in Kosova, as well as the reinstatement of the Assembly of Kosova, its Government, and all the legal institutions of the Administration which have been suspended by force;

The holding of free, democratic and multiparty elections in Kosova, as they will be prepared by the Assembly of Kosova and supervised by representatives of governments and international organizations;

That Albanians be included in the negotiations for the future of Yugoslavia as equal partners, and be represented by their legitimate representatives elected in free and multi-party elections.

That the work of the news media in the Albanian language (Radio and Television of Prishtine and the newspaper Rilindja) whose activities have been forcefully interrupted through the intervention of the Serbian police, be allowed to continue unobstructed;

That international organizations and representatives of European Governments increase their presence in Kosova to directly influence the stopping of the repression and the gross violations of civic and national rights of the Albanian people;

That Europe and the democratic countries around the world indicate their support for the expressed political will of the Albanian people, their right to self-determination and independence;

That the European Parliament, in cooperation with other international bodies, mediate the solution of the Kosova problem and the position of the Albanian people, and that they take the necessary steps to give effect to the adopted resolutions on Kosova, since the situation is deteriorating continuously and is now threatening the peace in the Balkans and in Europe.

Dr. Ibrahim Rugova, Chairman, Democratic Alliance of Kosova, Dr. Hivzi Islami, Chairman, Peasant Party of Kosova, Shkelzen Maliqi, Chairman, Social-Democratic Party of Kosova, Veton Surroi, Chairman, Parliamentary Party of Kosova, Lazer Krasniqi, Chairman, Albanian Christian Democratic Party (signed February 13, 1991).

## COMMENDING OUR MEN AND WOMEN WHO FOUGHT SO WELL IN THE PERSIAN GULF

### HON. BARBARA B. KENNELLY

OF CONNECUTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. KENNELLY. Mr. Speaker, I join my colleagues in commending our men and women who fought so well in the Perisan Gulf, and join in the joy of their families who know their loved ones will be coming home soon.

I am relieved and delighted that the war is over.

President Bush did an extraordinary job as Commander-in-Chief, and the greatest credit must go to the men and women in the field who showed incredible courage and determination in carrying out the President's orders.

But, we must not forget that there is still much to be done. The task will be tedious and difficult. We must encourage peace and stability in the Middle East region, and especially in the Persian Gulf, so the past 7 months never get a chance to be replayed.

We must make sure our allies help pay for the war. To date only $14.9 billion of the $53.5 billion pledged have been paid. We cannot allow our allies to avoid following through with their previous pledges.

And we must determine as best as we can how we arrived in the circumstances that led to war, and why our assessment of Iraqi fighting abilities were so wrong.

But most of all, the biggest victory—the happiest moment—will come when we welcome our troops home.

## AMERICAN HEROES: THE NAVY AND MARINE CORPS RELIEF SOCIETY

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. CUNNINGHAM. Mr. Speaker, the best way we can support our troops in the gulf is to support their families here at home.

Thousands of American families have answered the call to send their fathers, mothers, sons, and daughters to military service in the gulf. And when a serviceman or woman in the gulf is a family's chief breadwinner, the family left at home endures difficult financial sacrifice.

I know this, not just because I headed a military family for 20 years, but because military families all over San Diego call my office daily to ask for my help.

Where I send them is to the local chapter of the Navy and Marine Corps Relief Society. This worldwide nonprofit organization, staffed by some 3,600 dedicated volunteers, buys groceries for hungry families, clothes children, and pays the rent or the mortgage whenever a military family in need simply asks.

The servicemen and women who contribute their financial resources to Navy and Marine Corps Relief and the thousands of volunteers who staff their offices at 141 bases and 134 U.S. Navy ships are all unsung American heroes.

But now that nearly a half-million Americans have been called overseas, often on very short notice, the need for Navy and Marine Corps Relief services has never been greater.

Mr. Speaker, I encourage all the Members of this House who represent military men and women to voice their support for the hard-working volunteers at Navy and Marine Corps Relief. Members of Congress can record public service announcements, recruit volunteers, and make sure everyone who needs Navy and Marine Corps Relief knows that they are available.

Let's remember the needs of our military families, and support our American heroes on the home front—the people of the Navy and Marine Corps Relief Society.

Following is a list of Navy and Marine Corps Relief Society offices around the world, which I would like to include in the CONGRESSIONAL RECORD at this point.

NAVY-MARINE CORPS RELIEF ACTIVITIES

Albany Auxiliary.

Bermuda Auxiliary.

Camp Lejeune Auxiliary: New River Branch.

Camp Pendleton Auxiliary: Barstow Branch, Bridgeport Office, San Onofre Branch.

Cherry Point Auxiliary.

Connecticut Auxiliary: Windsor Office, Scotia Office.

District of Columbia Auxiliary: Bethesda Branch, Dahlgren Branch, Henderson Hall Branch, Indian Head Office, Patuxent Branch, Sugar Grove Office.

El Toro Auxiliary: Tustin Branch, Yuma Branch.

Great Lakes Auxiliary, Detroit Branch, Glenview Branch.

Guantanamo Bay Auxiliary.

Hampton Roads Auxiliary: Little Creek Branch, Portsmouth Branch, Shipboard Branch, Yorktown Office.

Hawaiian Auxiliary: Australia Office, Bahrain Office, Barbert Point Branch, Barking Sands Office, Christchurch Office, Kaneohe Branch.

Headquarters: Iceland Office, Augsburg Office, Stuttgart Office.

Jacksonville Auxiliary: Cecil Field Branch.

Japan Auxiliary: Atsugi Office, Chinhae Office, Iwakune Office, Misawa Office, Sasebo Office.

Key West Auxiliary.

Lemoore Auxiliary.

London Auxiliary: Brawdy Office, Edzell Office, Holy Loch Office, Lisbon Office, Machrihanish Office, Mildenhall Office, St. Mawgan Office, Thurso Office.

Long Beach Auxiliary: China Lake Branch, Albuquerque Branch.

Mare Island Auxiliary: Concord Branch, Stockton Branch.

Marianas Auxiliary.

Mayport Auxiliary: Kings Bay Branch.

Memphis Auxiliary.

Miramar Auxiliary: El Centro Branch.

Naples Auxiliary: Gaeta Branch, La Madalena Branch, San Vito del Normanni Office.

Naval Academy Auxiliary.

New Hampshire Auxiliary.

New Jersey Auxiliary.

New Orleans Auxiliary.

New York Auxiliary.

Oceana Auxiliary: Dam Neck Office, North West Office.

Okinawa Auxiliary: Camp Hansen Office, Camp Kinser Office.

Orlando Auxiliary.

Parris Island Auxiliary: Beaufort Branch.

Pennsylvania Auxiliary: Earle Branch, Willow Grove Branch.

Pensacola Auxiliary: Gulfport Branch, Meridian Branch, Panama City Office, Pascagoula Branch, Whiting Field Branch.

Philippines Auxiliary: Hong Kong Office.

Port Hueneme-Point Mugu Auxiliary.

Puerto Rican Auxiliary: Sabana Seca Office.

Puget Sound Auxiliary: Bangor Branch.

Quantico Auxiliary.

Rhode Island Auxiliary: Argentia Branch, Brunswick Branch, Cutler Office, South Weymouth Branch, Winter Harbor Office.

San Diego Auxiliary: MCRD Branch, North Island Branch, NTC Branch.

San Francisco Bay Auxiliary: Centerville Office, Fallon Branch, Moffett Field Branch, Monterey Branch, Oakland Naval Hospital, Treasure Island Branch.

Seattle Auxiliary: Idaho Falls Branch.

Sigonella Auxiliary.

South Carolina Auxiliary: Athens Branch, Atlanta Branch, NWS Charleston Branch.

Spain Auxiliary.

Texas Auxiliary: Chase Field Branch, Dallas Branch, Kingsville Branch.

Twentynine Palms Auxiliary.

Whidbey Island Auxiliary: Adak Branch, Anchorage Branch.

## INTRODUCTION OF THE VENTURE CAPITAL INCENTIVE ACT OF 1991

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. MARKEY. Mr. Speaker, today I introduce the Venture Capital Incentive Act of 1991, a narrowly targeted tax incentive that will spur long-term investments in America's technology future.

Although President Bush has deferred immediate action on the capital gains issue, his budget contains the same ill-conceived, across-the-board cut he proposed last year. Rather than providing an incentive for real economic growth, President Bush has demonstrated his abiding commitment to giving a tax windfall to the wealthiest taxpayers.

My proposal would provide a 40-percent capital gains exclusion for those who invest in small, high-risk, high-technology companies and who hold the stock for a minimum of 4 years. Unlike the administration's proposal, my plan would not reward the real estate speculators, the Wall Street arbitrageurs, and others who do little to create real economic wealth. It would not reward the stock churners and the money manipulators who shift from one short-term investment to another, realizing handsome profits for themselves at the expense of America's economic future.

This is a critical time for our country to invest in the risktakers and entrepreneurs who build real companies and create new jobs for America. For the past several months, we've been hit with a steady flow of troubling economic news: declining productivity, rising unemployment, and a deepening recession. Just last week, Federal Reserve Chairman Alan Greenspan advised a congressional committee that "it would be unwise to rule out the possibility that the recession may become more serious than is already apparent."

Our current economic problems should not be seen as just a predictable slowdown for an otherwise robust economy; rather, the structural problems in the banking industry, the real estate market, and in key manufacturing industries suggest a deeper crisis. Moreover, our global rivals are making dramatic gains in many technologies that will determine future economic prosperity. America's once proud lead in consumer electronics, semiconductors, and other technologies has vanished. Our current leadership in telecommunications, supercomputers, and personal computers is threatened by aggressive competitors in Europe and across the Pacific Rim.

The Markey Venture Capital Incentive Act is not a panacea. It will not provide America with the economic overhaul it needs. But by injecting new capital to high tech start-ups, it will give us the jumpstart we need to get back in the global technology race. The importance of small technology companies cannot be overstated. Small companies create 80 percent of the new jobs in this country and, according to a National Science Foundation report, they are six times more likely than large companies to create new products.

According to a 1982 General Accounting Office [GAO] study, between 1970 and 1979 American venture capital companies invested just over $200 million in small companies. The result: 130,000 new jobs, more than $100 million in corporate taxes, and $900 million in export sales. The same study concluded that a $1.4 billion investment could, by the end of this decade, generate 1.9 million new jobs, $6.7 billion in annual tax revenues, and $13.6 billion in export sales.

Unfortunately, small companies face a growing capital crunch. The cost of capital in the United States is four times more expensive than in Japan and almost twice as expensive as in Germany. In recent months, the troubled banking industry has dramatically cut its overall lending, often making small, high risk companies the first to lose their line of credit.

More importantly, however, venture capital funds have decreased substantially since their mid-1980's peak; total funds fell from a prestock market crash of $4.2 billion in 1987 to $2.6 in 1989 and the market has never fully recovered. This downward trend can be attributed in part to the sharp drop in initial public offerings since the 1987 stock market crash. Venture capital-backed IPO's dropped 66 percent in 1988, the year after the crash, and have never recovered. The IPO market fell 25 percent in the third quarter of 1990.

President Bush sadly recognizes neither the danger looming over the Nation's economy or the unique advantage America's entrepreneurs and risktakers give us in the new global competition. The President's capital gains proposal would reward investors for unproductive investments, drain the treasury of needed revenue, and retroactively reward investors for previous investments. By contrast, the Markey capital gains proposal would reward only those who make long-term investments in the Apple's, the Lotuses, and the Microsofts of tomorrow.

Let me be very specific about the differences in our two bills.

My bill is highly targeted; the exclusion applies only to investments in companies with 200 or fewer employees and only to companies that devote at least 18 percent of their total expenditures to research and development. The administration's current proposal would apply to all gains currently defined by law. This catch-all, giveaway plan would have provided incentives for investment in timber, real estate, domestic furnishings and other products not critical to competing successfully in the information age. Estimates are that only one percent of the administration's capital gains incentive would have gone to venture capital investments.

Second, my bill differs from the administration's giveaway plan in the length of the holding period and the size of the incentive. When fully implemented, the administration's proposal would give a 30-percent tax exclusion on capital gains for all investments held for more than 3 years; a 20-percent exclusion for assets held longer than 2 years; and 10 percent if held 1 year. Because entrepreneurs endure enormous pressure from investors looking for immediate profits, the Markey proposal provides a capital gains break only if the investment is held for at least 4 years.

Third, my bill is designed to generate new capital, not old investments. The administration's plan would reward investors for investments previously made in order to provide a one-shot revenue boost for his troubled budget. This retroactive giveaway would do nothing to encourage any new investment whatsoever; it only would serve as a half-baked revenue raiser and a windfall to investors sitting on old investments. My plan allows no retroactive windfall. In order for an investment to qualify

under my plan, it must be held an additional 4 years.

Fourth, unlike the administration's plan, my bill does not include the nonproductive secondary stock market. Only newly issued stocks, derived from founders stock, employee stock, or initial public offerings, would qualify. Providing a capital gains break for secondary stocks would do wonders for America's stock traders and brokerage institutions but does nothing to revitalize our industries and competitiveness.

Fifth, unlike the administration's proposal, the Markey plan would not drain the treasury in the long-term. Estimates done last year by the Joint Committee on Taxation on the President's plan showed that it would lose $11.4 billion in the first 5 years. Preliminary estimates show that my plan would lose less than 10 percent of the President's figure.

Sixth. In the interests of maintaining tax fairness, my proposal remains consistent with tax reform by listing the capital gains break as a tax preference item under the alternative minimum tax [AMT], ensuring that all taxpayers pay their fair share of the tax burden.

Mr. Speaker, this legislation will not cure all of America's problems with international competitiveness; it could only be considered one part of a greater package to sharpen America's competitive edge. But the capital gains debate has been bogged down for too long by the administration's insistence that we grant an across-the-board tax windfall for the Nation's wealthiest taxpayers. Rather than wait for yet another giveaway proposal from the administration, let's take immediate action and start investing in America's future. I urge my colleagues to support the Venture Capital Incentive Act of 1991 and help rekindle the spirit of entrepreneurship and risktaking in America.

## RTC BURDEN-SHARING AMENDMENT PROVIDES TAX RELIEF FOR VIRTUALLY ALL STATES

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. KANJORSKI. Mr. Speaker, your taxpayers and mine will be paying for the savings and loan cleanup for at least the next 40 years even though most of them bear no responsibility for the problem.

It is not fair for us to ask several generations of Americans to pay for this cleanup when some of those who are most responsible for creating this debacle are getting away scott-free, and do not have to pay a dime.

To date 45 percent of the problem we are cleaning up is the result of the failures of State-chartered and State-regulated savings and loans. The vast majority of these failed institutions were located in just a small handful of States which irresponsibly dispensed charters and powers with reckless abandon, and then failed to adequately regulate and examine their State-chartered institutions.

Yet if current policy is continued, these few States, which are responsible for 45 percent of our costs, will pay for zero percent of the cleanup. That simply is not fair. These States are getting the proverbial free lunch.

That is why a bipartisan majority of the House Banking Committee voted to approve my burdensharing amendment to the RTC funding bill. My amendment requires these few States to pay at least a small portion of the cost of the cleanup, or forfeit the rights of partnership in the system.

I would like to share with my colleagues a table which shows: First, what each State's share of the nationwide total of State-chartered thrift deposits was in 1980 (prior to the explosive growth in thrift charters and powers; second, what proportion of the disaster each State's State-chartered thrifts are responsible for; and third, what proportion of the total cost of the cleanup each State's taxpayers are currently paying for.

Members will note, for example, that the Commonwealth of Pennsylvania had 4.04 percent of all State-chartered thrift deposits in 1980, is responsible for 2.1 percent of our costs to date, and is paying 4.8 percent of the cost of the cleanup, or more than twice its fair share. Similarly, the State of Washington had 0.81 percent of all State-chartered thrift deposits in 1980, is responsible for only 0.1 percent of our costs to date, and is paying 1.9 percent of the cost of the cleanup, or 19 times its fair share. Texas, in contrast, had 10.01 percent of all State-chartered thrift deposits but is responsible for 68.3 percent of our costs to-date at State-chartered savings and loans, and is only paying 6.1 percent of the cost of the cleanup, or less than one-tenth of its fair share.

STATE SHARES OF THE SAVINGS AND LOAN CLEAN-UP

If thrift clean-up costs and payments were evenly distributed across the Nation, the figures in columns A, B, and C would all be identical, and would all equal the figure in column A.

A State has "excessive costs"—that is, is responsible for more than its fair share of the blame if column B is more than twice as large as column A.

A State is paying more than its fair share of the burden if the figure in column C is greater than the figure in column B.

For every $100 of thrift resolution costs, the figure in column B represents the number of dollars the residents of that State are paying in Federal taxes for the thrift cleanup.

| | A—"THE BASE" (percent) | B—"THE BLAME" (percent) | C—"THE BURDEN" (percent) |
|---|---|---|---|
| Alabama | 0.23 | 0 | 1.2 |
| Alaska | 0 | 0 | 0.3 |
| Arizona | 1.60 | 0.1 | 1.2 |
| Arkansas | .43 | .1 | .7 |
| California | 28.63 | 17.8 | 13 |
| Colorado | 1.89 | 1.5 | 1.3 |
| Connecticut | .47 | 0 | 2.1 |
| District of Columbia | 0 | 0 | .3 |
| Delaware | .03 | 0 | .3 |
| Florida | 2.96 | 5.9 | 5.1 |
| Georgia | 0 | .1 | 2.3 |
| Hawaii | .21 | 0 | .4 |
| Idaho | .04 | 0 | .3 |
| Illinois | 6.04 | .9 | 5.3 |
| Indiana | .86 | .2 | 2 |
| Iowa | 1.03 | .4 | 1 |
| Kansas | 1.31 | .3 | .9 |
| Kentucky | .05 | 0 | 1.1 |
| Louisiana | 2.31 | 0 | 1.2 |
| Maine | .19 | 0 | .4 |
| Maryland | .44 | 0 | 2.3 |
| Massachusetts | 0 | 0 | 3.2 |
| Michigan | 1.79 | .2 | 3.8 |
| Minnesota | .44 | 0 | 1.8 |
| Mississippi | .25 | .1 | .6 |
| Missouri | 3.34 | 0 | 1.9 |
| Montana | 0 | 0 | .2 |
| North Carolina | 1.93 | .1 | 2.2 |
| Nebraska | .27 | 0 | .5 |
| Nevada | .71 | 0 | .5 |
| New Mexico | .58 | 0 | .4 |
| New Jersey | 7.30 | 0 | 4.6 |
| New York | 2.12 | 0 | 8.9 |
| New Hampshire | .16 | 0 | .5 |
| North Dakota | .22 | 0 | .2 |
| Ohio | 7.65 | .5 | 4.2 |
| Oklahoma | .42 | .2 | 1 |
| Oregon | 1.14 | .5 | 1 |
| Pennsylvania | 4.04 | 2.1 | 4.8 |
| Rhode Island | .26 | 0 | .4 |
| South Carolina | .47 | 0 | 1 |
| South Dakota | .10 | 0 | .2 |
| Tennessee | .12 | .1 | 1.6 |
| Texas | 10.01 | 68.3 | 6.1 |
| Utah | .94 | 0 | .5 |
| Vermont | .03 | 0 | .2 |
| Virginia | 1.93 | .4 | 2.6 |
| Washington | .81 | .1 | 1.9 |
| West Virginia | .01 | 0 | .5 |
| Wisconsin | 4.15 | .1 | 1.8 |
| Wyoming | .10 | 0 | .2 |

A "THE BASE"—A state's percentage of the nationwide total of deposits in state-chartered thrifts in the base year.

B "THE BLAME"—A state's percentage of the nationwide total of costs to date of cleaning-up state-chartered thrifts.

C "THE BURDEN"—A state's percentage of the nationwide payments for the clean-up of state-chartered thrifts (i.e. the share that state's taxpayers are paying for the clean-up).

Sources: Northeast-Midwest Congressional Coalition calculations using Federal Home Loan Bank Board, Resolution Trust Corporation, and Tax Foundation Data.

## COMMENDING PRESIDENT BUSH, GENERAL SCHWARZKOPF, AND ALL THE AMERICAN TROOPS

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. YOUNG of Florida. Mr. Speaker, President Bush last night brought to a swift conclusion one of history's most successful and efficient military efforts.

In just 6 weeks, American and allied forces under the exceptional command of Gen. Norman Schwarzkopf ejected, disarmed, or captured more than 500,000 Iraqi forces, thus liberating the nation of Kuwait. This effort once again restored freedom in a vanquished land and turned back the inhumane and despotic rule of Iraq's tyrannical president, Saddam Hussein.

Legislation I have introduced today expresses the sense of this Congress that President Bush, Secretary of Defense Dick Cheney, Chairman of the Joint Chiefs of Staff Gen. Colin Powell, Secretary of State Jim Baker, General Schwarzkopf, and every one of the 500,000 Americans who served in Operation Desert Storm and their families be commended for their role in this great victory for peace and freedom and this resounding rejection of the aggression of one nation against another.

In addition to culminating a flawless and precise military victory, Operation Desert Storm also resulted in one of the greatest cooperative diplomatic efforts the world has known. Under the leadership of President Bush and Secretary Baker, the United States quickly rallied the support of virtually every member of the United Nations to condemn, in 12 United Nations resolutions, Iraq's aggression against Kuwait and to enunciate a clear set of goals for expelling the Iraqi forces and restore peace and order in the region.

President Bush, Secretary Baker, and Secretary Cheney also established a coalition of

more than 30 nations who sent troops and equipment to the Persian Gulf and were an integral part of the successful liberation of Kuwait. It took the remarkable skills and leadership of General Schwarzkopf to meld these diverse contingents into one united force that fought with purpose and precision.

Through a 5½-week air campaign, American and coalition forces utilized the superior skill of flyers, ground crews, intelligence operations, and support staff, and the best technology had to offer to pound and weaken Iraqi forces with the least possible risk to the safety of our troops. Casualties were kept to the minimum because of the highly skilled execution of missions and the near perfect performance of equipment and munitions that were the result of a long-term investment in our national defense by the American people.

Those of us who steadfastly supported the development of the aircraft, weaponry, smart munitions, and other technology which performed flawlessly these past few weeks and which provided complete air and ground superiority for U.S. and allied forces were often times criticized in the past for advocating a level of spending on national defense which would support the development and production of these systems. We persevered, however, and over the past 12 years have seen the readiness of our forces restored and upgraded to the point that they were able to respond, when called upon these past 6 months, with the largest airlift and sealift operation ever executed by U.S. forces.

It is the dedication of our all-volunteer forces in combination with the investment this Congress and the American people have made to train our forces and equip them with the best equipment available that enabled them to distinguish themselves to all the world as the most professional and highly skilled fighting unit ever assembled. Being deployed in a foreign land is never an easy task, especially in a place where the culture, customs, and climate are so very different than their homeland. Our men and women serving in Operation Desert Storm met these challenges in a way that made the American people proud. They were outstanding ambassadors for peace everywhere they went, and nowhere was this more evident than yesterday in Kuwait City where they were welcomed as heroes by the newly liberated people of Kuwait.

Mr. Speaker, following my remarks I would like to include a copy of my resolution which commends all aspects of this operation from the leadership of our Commander in Chief and his generals in the field, to our troops and their families. All Americans played such an important role in the success of our efforts to liberate Kuwait, especially through their very visible and strong public support for our troops and their mission.

Once again, through this massive effort, the United States has proven to be the leader, the hope, and the beacon of freedom for an oppressed people. The people of Kuwait are free again, their government has been reinstituted, and the despotic forces of Saddam Hussein have been deposed. Freedom has again won over tyranny.

H. CON. RES.—

Whereas President George Bush has declared victory in the operation to liberate Kuwait and reinstate that nation's government;

Whereas this was the result of the most successful military operation of all time;

Whereas Operation Desert Storm fulfilled the goals and promises made by President Bush in deploying American forces to the region;

Whereas the United States and our allies rallied together in an unprecedented show of unity against the aggression and crimes against humanity committed by Iraqi President Saddam Hussein;

Whereas the valiant and dedicated American men and women in uniform performed in an exceptionally professional manner befitting an all-volunteer military force;

Whereas the U.S. reserve forces and National Guard demonstrated their readiness and ability to respond and deploy quickly to become an integral part of Operation Desert Storm;

Whereas the families of the more than 500,000 Americans called into action in Operation Desert Storm provided exceptional and unwavering support for our troops in the field;

Whereas our nation grieves and prays for all those who paid the ultimate price in the restoration of freedom in Kuwait, and for those who were injured in the line of duty;

Whereas our nation will maintain as the highest priority the full accounting for all American and allied forces missing in action;

Whereas on February 27, 1991, the free and legitimate government of Kuwait was restored, the occupying forces of Iraq were ejected, disarmed, or captured, and cease-fire was ordered by President Bush: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That—

(1) It is the sense of the Congress that President George Bush be commended for his international leadership in rallying unprecedented world condemnation of Iraq's aggression against Kuwait and as commander in chief for overseeing one of the most efficient and complete military victories of all time.

(2) It is the sense of the Congress that Secretary of Defense Richard Cheney and Chairman of the Joint Chiefs of Staff General Colin Powell be commended for their role in coordinating the largest, most successful, and rapid deployment of military force of all time.

(3) It is the sense of the Congress that Secretary of State James Baker be commended for his role in establishing and maintaining the unwavering support of our allies and the United Nations for the international effort to liberate Kuwait.

(4) It is the sense of the Congress that General Norman Schwarzkopf be commended for his brilliant and flawless tactical plan and leadership and coordination of the victorious U.S. and coalition forces.

(5) It is the sense of the Congress that every American service member be commended for their role in turning back the aggression of a ruthless despot, for restoring freedom to a vanquished nation, and for serving with such distinction and professionalism.

(6) It is the sense of the Congress that the American people pay honor and homage to all those who fell in the line of duty and to pray for the safe return of all those missing in action.

(7) It is the sense of Congress that every American family be commended for their special role in providing for our troops.

## REVEREND OTHA GILYARD

### HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a constituent and very special friend of mine, Reverend Otha Gilyard, the Pastor of Mt. Zion Baptist Church in Kalamazoo, MI. On Tuesday, November 20, the Upjohn Institute presented Otha with the E. Earl Wright Community Achievement Award. The award is presented annually to an individual who has made a significant impact on the quality of life in Kalamazoo County, and who exemplifies the values and commitments of the late Dr. Wright—an individual whose humanitarian contributions were felt throughout the Kalamazoo community.

Otha began his impressive ministerial career as a chaplain at Homsburg Prison in Pennsylvania. From there, he went on to serve as the paster of the Second Calvary Baptist Church in New Jersey until 1975 when he arrived in Kalamazoo, MI, to become the pastor of Mt. Zion Baptist Church. His care and concern for others have not been limited to his congregation, but have been felt throughout Kalamazoo.

Otha Gilyard is deeply committed to community service. He simply cannot say "no" when there are people in need, or problems to be solved. He has invested both time and seemingly endless energy in a vast array of community and professional organizations. His leadership roles include the presidency of the Kalamazoo Ministerial Alliance, board member of the Kalamazoo Alcoholic and Drug Abuse Center, board member of the Kalamazoo Offender Aid and Restoration Program, board of trustees member of Kalamazoo College, board member of the Girl Scout Council, task force member of the Kalamazoo County Jail, board member of the Northside Community Development Association, board member of Safe House, an aftercare facility for alcoholics and addicts; in addition, Otha is past president of the Kalamazoo chapter of the NAACP.

Otha's leadership, drive, and selflessness have been repeatedly recognized by his friends and colleagues. Most recently, in tribute to his effective advocacy on behalf of seniors within the minority community, he received the 1990 Aging America Award of Excellence from the Southcentral Michigan Commission on Aging.

Mr. Speaker, I know my colleagues will want to join with me in acknowledging an individual who personifies the very best in America's tradition of community service, and in thanking Otha Gilyard for the sensitive and caring leadership he has given to the Kalamazoo community these past several years. I feel privileged to represent an individual who gives so much of himself in service to others. Otha's multiple contributions to those in need and to his community make him truly deserving of the E. Earl Wright Community Achievement Award.

## BLACK HISTORY MONTH COMES HOME

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. PRICE. Mr. Speaker, during the observance of Black History Month, we frequently call the roll of the national heroes, from Frederick Douglass, and W.E.B. DuBois to Rosa Parks and Martin Luther King, Jr. But it is just as important to remember those whose names are not as well known but to whom we are equally indebted for the progress we have made and the social consciousness that still drives us forward. Every community has such an honor roll, and today I want to call that roll for Raleigh, NC, sharing with my colleagues names they may not have heard, but names that have had a great deal to do with the ongoing struggle for human dignity and social justice in our part of North Carolina.

I was reminded of the importance of such remembrance last month at the prayer breakfast for the Martin Luther King, Jr. birthday celebration in Raleigh. Dr. John W. Fleming, a local historian and professor emeritus at Shaw University, recounted these names and the ways that all of us assembled were indebted to those who had gone before.

He called the name, for example, of Fred Carnage, one of the first blacks to practice law in Raleigh. A former president of the community organization from which the Raleigh-Wake Citizens Association evolved, Mr. Carnage is best remembered for his great concern for the educational growth and development of black children. His belief that all children should be afforded a quality education led him to press for the rights of students who were denied admittance to local schools. In commemoration of his efforts, a middle school was named after Fred Carnage, a remainder of what generations of young people own this man.

Samuel Mitchell was another lawyer in the Raleigh area whose work carried us a step closer to liberty and justice for all. Mr. Mitchell is best remembered for his legal expertise in the area of civil rights. He skillfully worked through the court system to challenge discrimination and injustice. He was one of two attorneys, for example, who represented two students, William Fox and Albert Sansom, in a discrimination suit against the city of Raleigh, which he carried all the way to the U.S. Supreme Court.

Dr. Grady Davis—a minister, community advocate, and educator—is remembered for the special role he played in the civil rights movement. As a student at Shaw University, Grady Davis spoke out for the rights of students, and often served as a liason between the campus and the wider community. He became a special friend of Dr. Martin Luther King, Jr. while at Boston University, and as professor of psychology at Shaw University, encouraged Dr. King to come to the campus and to inspire the student body and the community to become more active participants in the civil rights movement.

Rev. Charles Ward was another pillar of the community, who assumed a leadership role in the civil rights movement from his earliest days in Raleigh. Ordained by the Rev. Martin Luther King, Sr., Reverend Ward was at the forefront of the struggle to end segregated schools, and the community's progress owed much to his ability to negotiate and conciliate across racial lines. He served as the pastor of the First Baptist Church in Raleigh for 29 years and was among many nationwide leaders who walked alongside Dr. King in the March on Washington. Reverend Ward continued the fight for justice and equality while serving 9 years as president of the Raleigh-Apex chapter of the NAACP, and also as president of the Raleigh-Wake Citizens Association.

J.J. Sansom is remembered as a skilled businessman who put his talent to work for those in need of opportunity. Mr. Sansom, who spent his youth shining shoes, selling newspapers, and working as a hotel page, went on to become the president and chairman of one of the largest minority-owned and managed banks in the country, Mechanics and Farmers Bank. It was there that he carved out a successful business career and boosted minority businesses across the State. Mr. Sansom was also a respected civic leader, bringing the first major shopping center to southeast Raleigh and leading the effort to register black citizens to vote in Wake County some 25 years ago.

James E. Shephard was a columnist for the Carolinian, the first statewide black newspaper in North Carolina. His column depicted the changing times in our State and motivated black North Carolinians to get involved in the civil rights movement. Mr. Shephard was also a successful realtor who worked to make decent housing available to all. He was an active participant in civic organizations and served as chairman of the Labor Committee for the Raleigh-Wake Citizens Association, which investigated cases of job discrimination in the area.

C.C. Smith was a local insurance agent for the North Carolina Mutual Insurance Co., and was known for his unique fundraising capabilities. His ingenuity helped to raise bail for students arrested for their participation in local sit-ins and thus to keep the civil rights efforts among student organizations afloat. His fundraising efforts also permitted students to travel throughout the State and country to help mobilize communities seeking to be more active in the movement.

Molly Houston Lee was a well-known librarian in Raleigh who was responsible for bringing the accounts of contributions of blacks across the country to the shelves of our local libraries. A former head librarian at Shaw University, Ms. Lee is best remembered for her efforts to desegregate the Wake County Public Library System. She was successful in getting a county-supported public library, the Richard B. Harrison Library, built in Raleigh's black community, and assembled an outstanding collection of books on black history and culture.

Ralph Campbell, Sr. is often remembered as the gadfly of the black community, a unique combination of courage, compassion, and commitment. Mr. Campbell's son was the first black to integrate the Raleigh school system, an occasion recently commemorated as the old Murphy School was rededicated as an affordable housing development. Mr. Campbell was an active civic leader who served as president of the Raleigh-Wake Citizens Association, the Raleigh branch of the NAACP, and the Raleigh chapter of the National Alliance of Postal and Federal Employees. He also served with distinction on the staff of my predecessor, Representative Ike Andrews.

Mr. Speaker, these leaders and others like them were historymakers, although not as well known as those on whom we tend to concentrate during Black History Month. As we anticipate moving our country another step forward with the passage of the Civil Rights Act early in this Congress, I encourage my colleagues to remember those leaders in their own districts who pushed back the frontiers of social justice and from whom we can still learn today.

## FITZSIMONS—AN IMPORTANT COMPONENT IN VICTORY

### HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. SCHAEFER. Mr. Speaker, thanks to superb political leadership by President Bush, a multinational coalition was quickly formed to oppose Iraq's brutal invasion and occupation of Kuwait. Under the brilliant military leadership of Gen. H. Norman Schwarzkopf, American and allied troops went on to liberate Kuwait with remarkably few casualties.

Without adequate support facilities on the homefront, our swift and confident response to Iraq's aggression would have been much harder to accomplish. Valuable time would have been lost trying to reactivate mothballed military hospitals, medical centers, and clinics.

This is why I salute the Fitzsimons Army Medical Center in Aurora, CO. The staff of this important medical facility was ready and prepared to treat wounded soldiers evacuated from the gulf war. Various offices within Fitzsimons made contingency plans to handle a large number of patients without sacrificing the high quality of care that has long been a Fitzsimons hallmark.

Thankfully, the superb leadership and skill demonstrated by our leaders and troops prevented a large number of American and allied war casualties. Kuwait's independence has been restored, and the United States and its allies have brought the war to a victorious conclusion.

Americans are justifiably proud of our leaders and brave troops in the Persian Gulf. We should also be proud of the invaluable contribution by the medical personnel at Fitzsimons to the success of Operation Desert Storm.

Thank you all for a job well done.

## CONGRATULATIONS TO OUR BRAVE MEN AND WOMEN IN THE PERSIAN GULF

### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. POSHARD. Mr. Speaker, on the first day after our impressive military victory in the Persian Gulf, I would like to commend all of the men and women from across the Nation who so valiantly fought for the liberation of Kuwait.

In particular, I would like to commend the members of the National Guard's 1244th Transportation Company which is stationed in Cairo, IL, in my southern Illinois congressional district. Since last fall, they have been providing vital service in the gulf and we are all grateful for their efforts.

In addition, there are many other men and women from my district who have contributed to the defeat of the Iraqi military machine. I personally salute each and every one of those individuals and I want them to know that America and the world appreciate their bravery and the sacrifices they have made for their country.

Today the Nation rejoices that the war has come to a swift conclusion and that the exiled people of Kuwait will be able to return to their homeland. Now is the time to rebuild, to reflect on the lessons we have learned, and to seek a stable and lasting peace in the Middle East.

Since August 2, we have worked more closely with our Arab neighbors than ever before, and I can only hope that this new sense of cooperation will help us move toward equitable solutions to some of the problems which have challenged the region for decades.

Mr. Speaker, I salute you and my colleagues for the high level of debate and discussion which has occurred in the Congress and for the leadership which this body has shown. But, most of all I would like to express my heartfelt thanks to those brave Americans and southern Illinoisans who answered the call and served so effectively. Our thoughts, prayers, and gratitude are with them all as they prepare to return home to their friends and families.

## OUR CHILDREN'S FUTURE

### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. ANDREWS of Texas. Mr. Speaker, all of us know how difficult it is to raise children—I have two young daughters of my own. We have doubts about the decisions we make for them. We worry about influences that we cannot control. We wonder if they will be prepared to negotiate life on their own.

Children are always at risk for what their parents do or don't do. Fortunately, most children do fine by what their parents do. Sometimes they do not. Sometimes parents need help, these are times that government can help.

President Woodrow Wilson once said: "My clients are the children; my clients are the next generation."

Let's look at the risks facing the next generation, our children. The national debt has grown to $3.3 trillion—that's $13,000 of debt per person.

Congress and the President have just put into law a budget that will reverse the growth of the national debt. But payments on that debt will continue well into the next century.

As our population ages, there will be fewer working people to support the elderly. Today, five workers support every senior. In the future, five workers will support two seniors. That's a doubling of the responsibility for Social Security and Medicare for our children when they grow up.

As the baby boom generation grows older, the labor market will become increasingly tight. The growth rate in our labor force will decline by 40 percent at the end of the century. The job market will also require a highly skilled work force.

We must prepare every individual child better than at any time in the past. We cannot afford to ignore the needs of any child. This is the only way the next generation will be ready for the 21st century.

First, we must consider our children's health and safety. This means child care and health care. Then we must consider their education.

I am proud that the 101st Congress finally passed child care legislation. This landmark legislation will require minimum health and safety standards for day care providers. It provides $1 billion each year in direct child care services to those who can least afford child care. It does so without violating the principal of separation of church and state.

It has a special program to provide child care assistance to families at risk of losing their jobs due to day care costs so that parents do not have to go on welfare.

It provides funds to school based child care so that child care can become a productive educational experience for our children.

Finally, it greatly expands the Earned Income Tax Credit. The EITC is a critical program for the working poor. It provides them with additional funds to meet child care costs.

Few people here today may be aware how important the EITC is in Texas. One of every five Texas families receive this tax credit. That's nearly twice the rate than in the rest of the country.

The need for this landmark legislation is clear. Today, over half of all mothers with young children work, and this rate has doubled since 1967. Our economy depends more than ever on the participation of both men and women in the work force.

Child care is critical to our economy.

One-fourth of all nonworking mothers of children under 5 would return to work if satisfactory child care were available at a reasonable cost.

U.S. businesses lose $3 billion each year when parents are absent from work due to child care problems.

In the future, two-thirds of all new jobs will go to women.

The new child care law will move us in the direction of providing affordable, quality child care for every child who needs it.

Another landmark accomplishment of the 101st Congress is Medicaid coverage for every child who lives in poverty by the year 2000. This new law, which was proposed by Senator LLOYD BENTSEN, will gradually increase the eligibility for Medicaid benefits over the next 10 years.

This is particularly important to Texas because our Medicaid levels are so low. Texas has the second highest rate of uninsured in the country. With so many Texans lacking health care insurance, the Harris County hospital district and the large inner-city hospitals are at a financial risk. This new law will ease the burden on Harris County taxpayers.

One area where Congress was unable to act is child welfare. I cosponsored legislation that would bolster our child welfare system. In 1980, Congress enacted an overhaul of the child welfare system enacted in 1980. The law is designed to counter a long history of children being lost in the foster care system. It requires that States make reasonable efforts to prevent the removal of children from their homes.

The law has had a measurable effect:

The number of children in foster care declined by nearly one-half from 1977 to 1984. But since then this number has been on the upswing.

In Texas, the number of children in foster care fell from 7,500 in 1978 and leveled off at about 5,000 since 1983—this is a 33 percent decrease.

But we still have tremendous problems. Over 2 million children are reported abused and neglected each year. More than 1,200 die. Too many of these deaths occur while the child is under the supervision of the child welfare system.

In Houston, El Paso, and other cities throughout the country, we have seen in recent years some tragic serious cases of abused children dying after being reunified with their families by the children's protective services. These cases raise important questions about the causes of such tragedies.

First, what should be the role of law enforcement in child abuse cases? On the one hand, we should do everything possible to prevent a family from breaking up. On the other hand, the crime of child abuse should not go unpunished by society. This difficult question needs full examination in light of the large number of reports of physical and sexual abuse in children.

Second, are current programs adequate? The results of various studies and commissions that have examined the children protective services in Texas have concluded that the staff caseloads are too high and that training is inadequate.

Hearings held this year by the Committee on Ways and Means, on which I serve, turned up this problem all over the country. We need to increase title IV–B funding to help states respond to child abuse. We need to improve training programs. We need to improve foster parent recruitment and retention programs. Few people know that Harris County has led the country in this area.

I intend to continue working on this issue during the 102d Congress.

We must also continue to improve education for all our citizens. Mirabeau B. Lamar, the

second president of the Republic of Texas and the father of Texas education, once said: "Education is the guardian genius of our democracy."

Each of us knows the truth in these words. The education of our children is not just for their sake, it is for the sake of our Nation and our community.

Texas is experiencing great change: 75 percent of the new entrants of the Texas labor force by the year 2000 will be made up of women and minorities, particularly hispanics. Hispanics are the fastest growing segment of the population in the Houston area.

However, minorities have historically been least served by our educational system. And it's been argued that some children have succeeded despite our schools rather than because of them. But if we are to meet the labor market needs of the future, we have to change that. Texas cannot move into the 21st century as an economic power unless we make every one of our children a priority.

We cannot afford a dropout rate in Texas of 36 percent. Houston certainly cannot afford our current drop out rate of 40 to 60 percent among Hispanic youth.

Our illiteracy rate is appalling. One study showed that 56 percent of Hispanic teenagers are reportedly illiterate. Our students are struggling with the basics. Everyone is familiar with the studies showing the poor performance of U.S. students at all age levels on math and science compared to students in other countries.

These trends have the potential to cripple business:

Chrysler reports that while its training and technical manuals are written at an eighth grade level, at least 25 percent of its employees now read at or below a 6th grade level.

At Motorola, 80 percent of the applicants cannot pass a simple seventh grade English comprehension exam or a fifth grade math test.

The future of Texas will be built in fields which require not just the ability to read but also proficiency in science and mathematics. Projects like: biotechnology, space science and the super-conducting supercollider will be a growing part of the Texas economy. Jobs in these fields will require two college degrees, not just one.

All children deserve the chance to participate in this new economy. However, too many minority children have been left behind. If these children do not receive the skills this high tech economy requires, they will have little choice but to enter the service sector where jobs offer less security, less advancement, and fewer benefits.

All of us have a special responsibility: we must insure that our educational system steers clear of ethnic and racial bias. We must reach out and find a common ground on which to build.

Congress has recently taken three important steps to provide some federal assistance for the education of disadvantaged children. First, Headstart has been authorized to fund all eligible children by 1994.

Headstart has an enormous payback. For every dollar invested in Headstart, the country gets back $6 in increased productivity. Headstart participants go on to contribute to the economy rather than depend on Government services.

Second, Chapter One of the Education Consolidation and Improvement Act of 1981 was reauthorized. This act provides funds to school districts for educational services for disadvantaged students.

Finally, funds were continued and authorized through 1993 for bilingual education. The importance of this program is clear. The question is no longer whether or not bilingual education is a smart investment. Rather, the question is which instructional approach is most effective.

The work being done at the Federal level is only one piece of the pie. The work you are doing locally to create alternatives is extremely important. Not every child is the same and therefore our methods of teaching must not be monolithic.

On the local level, we must reestablish a connection with our youth. If a generation is lost, we bear much of the responsibility. Teenagers are not the producers of World Wrestling Federation and MTV, and teenagers are not the only viewers of these programs. You are the leaders that our children need to hear from, and you and I must remember that they are watching.

The time has passed for business leaders to point their fingers at teachers and schools. It is time for us to go into the schools as volunteers and partners with our teachers. Leadership in this area began in 1980, as the Business/School Partnership Program began in the Houston Independent School District. This program now involves over 200 businesses, providing over 2,000 employees to volunteer in schools. These businesses and employees provide leadership examples, scholarships and summer jobs.

Clearly these investments are our future, not just for Texas but for our children. Only 60 percent of those who leave school without their diploma find a place in the workforce. For the other 40 percent, the cycle of poverty continues and we as a community all suffer. Educational achievement is the key to economic attainment.;

Oscar Wilde once wrote: "Children begin by loving their parents. After a time they judge them. Rarely, if ever, do they forgive them."

As we consider how our children will judge us, I hope we do everything we can to prevent them from judging us harshly and do nothing that needs forgiving.

## HOSTAGES REMEMBERED

### HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. SUNDQUIST. Mr. Speaker, I was contacted recently by Melody Brewington of Baxter, TN. Melody is the niece of Terry Anderson, a journalist for Associated Press who is one of six Americans still being held hostage in Lebanon. Although Terry's family is hopeful that he and the others will return home soon, they have learned through the years that there is no guarantee.

At the time of Terry's kidnaping, the demands of his captors, a group known as the Islamic Jihad, were that 17 prisoners held in Kuwait for terrorist activities be released. These prisoners are now free as a result of the conflict with Kuwait. It is hard to know now what actions are necessary to bring about the release of the six Americans.

With the Persian Gulf crisis, it has been hard to keep our minds on other matters. We cannot, however, let this hostage situation be overlooked. The families of these hostages have stood by for almost 6 years as these men have suffered untold indignities and been seemingly forgotten by the very people they were there to serve—fellow Americans.

It is a grave injustice to these men that more efforts are not going into bringing them home, especially during a time when their release seems inevitable, considering the circumstances. Everyone should focus time and attention on this situation and do whatever possible to help Terry Anderson, Thomas Sutherland, Jesse Turner, Joseph James Cicippio, Edward Austin Tracy, and Alann Steen. Speaking for all the families of the hostages, any effort on their behalf will be greatly appreciated.

## THE TIMBER COMMUNITIES PROTECTION ACT

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. CLINGER. Mr. Speaker, the forest communities in this country are facing a new and growing threat. The threat is not from forest fires; nor is the threat from a ravenous insect like the gypsy moth. The most pernicious threat confronting our forest communities comes from fellow human beings—namely, tree-spikers.

In the name of "environmentalism" tree-spikers take ceramic and metallic spikes, and drive the devices into trees. Theoretically, once a tree is "spiked" it will be difficult, if not economically unfeasible, to log the tree. Theoretically, loggers will not harvest a spiked tree. Theoretically, this is a successful means of blocking legitimate timber harvesting activities.

But what happens when theory gives way to reality. Such was the case In California not too long ago. A millworker using a bandsaw struck an embedded spike. The spike destroyed the mill equipment sending a section of the saw across the face and throat of the attendant millworker. The millworker almost died.

In response to this incident and an increasing number of spiking incidents, Congress passed legislation making it illegal to spike trees on Federal lands. The law sets fines and penalties commensurate with the severity of the spiking incident. Enactment of that law is a good start, but unfortunately, tree spiking is now taking place on non-Federal lands.

Just recently CNN reported that 100 spiked trees were identified on non-Federal lands in Maine by state and/or local law enforcement authorities. What is even more frightening than the fact that 100 spiked trees were identified by authorities, is that the same authorities were informed that 400 trees had been spiked and the authorities have been unable to identify the remaining 300 trees.

While trees are spiked in the name of environmentalism, I know of no real environmentalist who could support these activities and endanger the lives of innocent human beings. Accordingly, I rise today with my good friend and colleague MIKE SYNAR to introduce legislation to address the spiking of trees on non-Federal land and to strengthen the penalties for those individuals found guilty of spiking trees on Federal lands. Specifically, my bill accomplishes the following:

Makes tree-spiking a Federal crime on both Federal and non-Federal lands and establishes fines and jail sentences that correspond with the severity of the injury or damage incurred as a result of the spiking incident.

An individual convicted of spiking trees on Federal land will be banned from entering Federal lands administered by the Forest Service, the Bureau of Land Management and Fish and Wildlife Service.

The legislation establishes a reward for any person who furnishes information leading to the conviction of an individual tree-spiker.

Tree-spiking is a demented form of environmentalism. I encourage my colleagues to join with us by supporting this needed legislation.

## TRIBUTE TO HENRY SCHWARZCHILD

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to Mr. Henry Schwarzchild. Mr. Schwarzchild retired at the end of 1990 from the American Civil Liberties Union as the director of that organization's capital punishment project. Mr. Schwarzchild was a committed advocate for the abolition of the death penalty. His eloquent voice could be heard at public speeches and on television programs around the country. On numerous occasions he testified before various committees of their body as well as the Senate. In 24 years of service with the ACLU, Schwarzchild directed the ACLU Project on Amnesty, the capital punishment project, and was one of the founders of the National Coalition to Abolish the Death Penalty.

The death penalty is an issue which brings out the deepest of emotions. Sometimes these intense emotions keep us from grappling with the truth. Racism continues to pervade the national subconscious and is too often revealed in the worst of places. The General Accounting Office reports that those who murder whites are far more likely to be executed than those who murder blacks. I am deeply troubled by the influence that race has on the death penalty. We must address the problem of racial discrimination in death sentencing at once.

The Racial Justice Act, which I introduced, would have curbed race influence in death sentencing. We need to pass the Racial Justice Act. If we can't remove the stain of racism from the death penalty then that is reason enough to abolish it.

Our system of justice is not foolproof, despite the awesome task of deciding who lives and who dies. According to a study by Hugo Bedau and Michael Radelet, entitled "Miscarriages of Justice," 25 people who have been executed this century were later found to be innocent. A prisoner who is sentenced to life imprisonment can be made whole, or almost whole, should he or she later be found to be innocent. However, when the prisoner is executed, there is no longer any chance for a reprieve. An inevitable flaw will always be found at the root of death sentencing: human fallibility. When dealing with a human life, fallibility cannot be tolerated.

Mr. Schwarzchild has committed his life to the struggle against the death penalty because he understands that the death penalty is arbitrary discriminating and prone to mistake. He also fights the death penalty because he understands that as long as a society countenances the demeaning spectacle of State sanctioned killing, it loses its humanity. We must oppose the death penalty because our moral standards dictate it. Mr. Schwarzchild's contributions to an honorable cause will be missed but his legacy will endure. I pledge to fight capital punishment until it is completely eliminated from the American justice system.

## THE MONTH BLACKS MADE HISTORY

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. GINGRICH. Mr. Speaker, as we commemorate Black History Month, let us also take a minute to recognize the significant history African-Americans have made in the last 45 days in the Persain Gulf. The astronomical contribution made by African-Americans to the quick and decisive victory in the liberation of Kuwait will long be remembered as a monumental achievement not only in black history, but in American history as well.

Many black leaders openly opposed the U.S. intervention in the Persian Gulf. Today's victimologists decried the lack of opportunities for African-Americans—a level of desperation so low that many black youths have volunteered for armed service.

The real victims are here at home. It is profoundly disturbing to see statistics that show a greater number of casualties occurred in the District of Columbia during the first 3 days of ground battle than on the battlefield. It is the black youth who can't see his way out of the cycle of proverty that truly is victimized.

It is my hope that as our heroes come home, the African-American community welcomes each of them as an exemplary role model for the many youths currently looking for an opportunity or advancement, Lessons can be learned and examples set not only by Chairman Colin Powell, but also by soldiers like injured Army Pfc. Glynn Johnson who felt guilty about leaving his troops in Kuwait—"There is such a sense of loyalty" he said.

George Will wrote an excellent article which I would like to share with my colleagues today. As we celebrate Black History Month, I would hope that each of us heeds the lesson taught to us by our armed services as we work toward creating an opportunity society for all Americans.

THE MILITARY MERITOCRACY

(By George Will)

In many old World War II movies an officer named Winthrop (or some such white-bread WASPy name) tells a sergeant (O'Reilly, like a cop) to get volunteers for a dangerous mission. Forward steps an ethnic salad: Kowalski, Bloomberg, Positano, Sanchez, Graff. But no blacks.

Bigotry in the war had one benefit for its victims: fewer casualties. Nearly 75 percent of blacks in service were in the Army, which by September 1944 was 8.4 percent black. Several black units saw heavy fighting. The famous 92nd Division suffered more than 3,000 casualties in Europe and received more than 12,000 decorations and citations. But most blacks were in combat support (engineers, transportation, quartermasters). Only 2.8 percent of the combat arms (infantry, artillery, cavalry, armor) were blacks.

Today the services are, to hear some critics tell it, too integrated. Blacks are a larger portion of the services than of the population, and a larger portion of enlisted personnel than of officers. Blacks are about 12 percent of the population. 20 percent of the services (38 percent of the Army, 20 of the Marines, 15 of the Navy and Air Force) and only about 7 percent of officers. Many who complain about the low number of black officers are the same people who, by stigmatizing American society, and not least the military, have discouraged blacks from making the sort of military careers that led to commissions.

An ancillary benefit of today's war may be the further discrediting of anachronistic and blinkered black leadership. Many leaders—Jesse Jackson, Benjamin Hooks and the like—seem to believe that black power depends on portraying blacks as victims of an unrelievedly racist society. This idea has led America waist-deep into the quagmire of counting by race in order to engineer "correct" balances here, there and everywhere.

Some black leaders and their white allies have a political interest in regarding blacks, and getting blacks to regard themselves, as victims who must be wards of government, and of politicians mediating the distribution of benefits. The rickety structure of affirmative action, quotas and the rest of the racial spoils system depends on victimology—winning for certain groups the lucrative status of victim.

Understandably, the focus of blacks in Congress is on domestic policy. Only two of 55 members of the House Armed Services Committee are black and only two of 46 members of Foreign Affairs Committee. Both much of the domestic rhetoric and policy directed at blacks presupposes, and by presupposing teaches, dependency. Today's inspiriting pictures of blacks making prominent contributions to the competence of the military are, I suspect, disagreeable to those who espouse victimology.

Every black in uniform is a volunteer, which complicates the portrayal of them as victims. But Hooks, head of the NAACP, and others like him say blacks volunteer "because this nation can't provide them jobs." Never mind that military service is a dignified job. The innuendo is that blacks are impelled not at all by the spur of patriotism but only by the lash of necessity. An implication is that most blacks in the services come from the underclass.

Actually, whereas white volunteers are on average poorer and less educated than whites

generally, most black volunteers have at least a high school diploma and come from working- and middle-class families. Getting into today's military—the highest caliber in American history—is harder than graduating from many high schools. Indeed, 95 percent of all Army personnel have high school diplomas, compared with 76.5 percent of the population.

Controversy about the alleged "overrepresentation" of blacks in the military comes hard on the heels of the successes of the movie "Glory" and the PBS series on the Civil War. About 188,000 Union warriors—twice as many men as Lee had at Gettysburg—were black. The 166 black regiments were more than 8 percent of the Union forces. Blacks had something to prove. A Confederate general said: "You cannot make soldiers of slaves . . . And if slaves seem good soldiers, then our whole theory of slavery is wrong." Most black soldiers had been slaves until a few months, even days, before enlisting. Frederick Douglass said: "Once let the black man get . . . a musket on his shoulder and bullets in his pocket, and there is no power on earth which can deny that he has earned the right to citizenship."

INTERRACIAL HARMONY

In 1991 the only things blacks have to earn or prove in the military are what whites have to earn or prove. They are earning their pay and proving their worth—and patriotism—as individual professionals. Enough, already, of the groupthink of people who see everything through the distorting lens of race. That monomania is a civilian luxury. Military men and women are too busy making the military a model for interracial harmony, not perfect but worthy of emulation by civilians.

Just a few decades ago blacks joked that baseball was the only field in which a black man could wave a wooden club at a white man and not start a riot. Today's military is a place where blacks regularly tell a large number of whites what to do. One of the telling facets of military life is so familiar it is never thought about: uniforms. Individuality is not extinguished but people are fitted to functions. It was, after all, a soldier (Napoleon) who characterized the good society as one of "careers open to talents."

Just last year, when it seemed that peace was busting out all over faster than you could say "peace dividend," there were those who worried that the shrinking of the military would victimize blacks by shutting off careers open to their talents—careers that teach talents, too. Why is there a black chairman of the Joint Chiefs of Staff before there has been a black chairman of GE, GM, IBM or any of the other Fortune 500 corporations (all of which are pygmies compared to what Colin Powell chairs)? There are many reasons but one may be that today's military is a more severe meritoc-racy than most corporations.

Military life aspires to resemble professional sports in one particular—concentration on performance. At the tip-off of next weekend's NBA All-Star game there will be at least eight blacks on the court. Too many? That is a dumb question to those who understand basketball and an ugly question to those who understand America.

## PROVIDE MEDICAID COVERAGE OF SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN

### HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. DURBIN. Mr. Speaker, today I am introducing legislation along with more than 20 of my colleagues that will provide new hope for addicted pregnant women and drug-exposed infants by providing Medicaid coverage to drug and alcohol treatment to Medicaid-eligible pregnant women and their families. I am delighted to have Mr. MILLER of California and Mrs. MORELLA of Maryland join me as the lead cosponsors of this measure.

Our legislation grows out of the realization that pregnant women are among those least likely to be able to obtain comprehensive drug and alcohol treatment. Because of our failure to make such treatment available, the drug epidemic is filling our Nation's hospital nurseries with babies who are born addicted. Nationwide, 375,000 babies are born each year who were exposed to illegal drugs before birth, 1 out of every 10 newborns.

The annual cost of hospital treatment for drug-exposed newborns is alarming: $178 million in California, $121 million in Maryland, and several billion dollars for the Nation as a whole.

In addition to these immediate hospital costs, we face even greater additional costs for foster care, special education, and other social services these children need as they grow up. The Health and Human Services Office of the Inspector General surveyed just eight major cities and estimated that, for the 9,000 drug-affected infants born in those cities in 1989, our Nation will pay $500 million in hospital and foster care costs during their first 5 years of life. The financial toll rises to $1.5 billion if they are given the comprehensive special education services they will need to prepare them for school. The rest of the Nation faces similar costs, and the cost is repeated each year with a new group of drug-exposed newborns.

We can reduce these costs substantially if we ensure that pregnant women have access to effective substance abuse treatment programs. While our legislation would cost the Federal Government approximately $20 million in the first year and up to $200 million annually by the fifth year, it would save far more by lowering the cost of health care, foster care, special education, juvenile justice, and other social services, and by reducing the human toll associated with drug addiction and fetal drug exposure.

For many addicted pregnant women, the only effective treatment is a comprehensive program in a residential setting that provides counseling, child care, room and board, and other services. Tragically, Medicaid will not reimburse States for the cost of residential treatment for Medicaid-eligible women. As a result, many women who need and want assistance to end their addictions have nowhere to turn.

Our legislation, the Medicaid Substance Abuse Treatment Act of 1991, amends Medicaid law to address this problem. It gives States the option of providing Medicaid coverage of residential drug and alcohol treatment services for eligible pregnant women and parents and their children beginning July 1, 1992. Beginning January 1, 1994, these services would become a mandatory component of the Medicaid program for eligible pregnant women and their children.

To be eligible for Medcaid reimbursement, residential programs must provide a comprehensive set of services known to be important components of effective women's drug and alcohol treatment programs. These services include counseling and treatment based on an individualized treatment plan; therapeutic child care or counseling for the children of individuals in treatment; parenting skills training; HIV prevention education; room and board; and assistance in obtaining educational, vocational, health, and other social services necessary to sustain recovery.

Since substance abuse treatment experts consider small size to be a key to the success of a residential treatment program, eligible facilities would be limited in size to 40 beds or modular units of no more than 40 beds in order to provide quality services and personalized attention. States could apply for a waiver for larger facilities that can demonstrate equivalent or greater therapeutic benefit at a lower cost.

Medicaid-covered services would remain available to women throughout pregnancy and for up to 12 months thereafter.

Mr. Speaker, these kinds of treatment programs can be very effective. The Institute of Medicine found that the clients of longer-term residential treatment programs stop virtually all illicit drug taking and other criminal behavior while in residence, and demonstrate lower drug use and criminal activity, and greater social productivity after discharge than they did before admission and than other individuals who did not receive similar treatment.

Furthermore, these programs are cheaper than the alternative. An Illinois study found that it cost an average of $7,000 to provide drug treatment, prenatal care, and hospital delivery to a cocaine-addicted pregnant woman. The cost for delivery and hospital care for a newborn whose mother did not receive drug treatment and prenatal care during pregnancy averaged $31,000. Comprehensive drug treatment offered savings of $24,000 for each newborn.

These figures suggest that we cannot afford not to act. Every day that we delay, more drug and alcohol-affected infants are born, many permanently damaged by fetal exposure to these substances. Our bill can dramatically reduce the financial and human costs of drug and alcohol addiction by making cost-effective residential treatment available to pregnant women and their families.

I urge my colleagues to sign on as cosponsors of the Medicaid Substance Abuse Treatment Act of 1991.

## THE WALL OF PRAYER

### HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. HOBSON. Mr. Speaker, today I want to recognize the students at Cedarville College, a small, Baptist liberal arts college located in Ohio's Seventh Congressional District, who responded to the events in the Persian Gulf by erecting a 77-foot Wall of Prayer in the James T. Jeremiah Chapel on the college's campus. To date, the students have written the names of over 3,100 soldiers serving in the Persian Gulf, and more names are added daily. The students, faculty, staff and college visitors regularly pray for these brave individuals serving our country. On February 12, 1991, classes were canceled in order to observe a special day of prayer. A special prayer was said for each name listed on the wall.

The Wall of Prayer is comprised of several orange boards running the length of one side of the chapel. The boards are divided into bricks on which the names are written. Many of the bricks contain pictures, messages of hope or a specific need, and some reflect personal messages from students who have a family member or a friend stationed in the Persian Gulf. There also is a special section that contains the names of POW's and MIA's. The Wall of Prayer will remain in place as long as our Nation is engaged in the conflict.

Dr. Harold Green, vice president for Christian ministries and pastor of Cedarville College, along with several student leaders, worked together to organize this project. Dr. Green stated that "the wall is a tangible reminder to pray for the war effort. Students are also able to pray more specifically by identifying individuals for whom to pray."

The Wall of Prayer has received national and regional attention, which has resulted in the college and a local radio station receiving calls from around the country requesting that additional names be included on the wall so as to be remembered in the students' prayers. My thoughts and prayers are with the deeply caring people of the Cedarville College Community and I commend them on their faith. It is my hope that their prayers, combined with the prayers of other Americans, will bring a swift end to this conflict and a safe return home for our troops.

## TRIBUTE TO NICOLA ANTAKLI

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Nicola M. Antakli. Mr. Antakli is being honored as World Trader of the Year by the World Trade Club of the Greater Detroit Chamber of Commerce.

Mr. Antakli is founder and president of Intraco Corporation, a leading world trade company. Founded in 1971, Intraco is the leading exporter of many industrial products to the Middle East. Among the products it exports are architectural and automotive glass as well as replacement auto and engine parts.

Mr. Antakli is also president of two other trading companies: Intraglas Corp. and Automotive Service Industries. He is president of Unitrade International, a real estate investment company. He also serves as a partner and board member for three additional firms, United Trading Establishment, Intraco—UAE—Limited and Saudi American Glass Co.

I commend Mr. Antakli on his exceptional involvement in international trade. It is critical for us, as a country, to become more competitive in the global economy of the 21st century. The foresight and enthusiasm of innovative entrepreneurs like Mr. Antakli are key in achieving economic balance between the United States and our trading partners. These same qualities are vital to making our community thrive. I am confident of Mr. Antakli's continued success and know he serves as an inspiration to all of us.

## OIL RECYCLING INCENTIVES ACT STRENGTHENS MARKET FORCES FOR USED OIL RECYCLING

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. TORRES. Mr. Speaker, to list, or not to list used oil as a hazardous waste? This is the key question many policymakers and interest groups have been grappling with in an effort to develop an effective and efficient used oil recycling program. An examination of the nature of the problem and a clear grasp of the potential application of the existing oil infrastructure strongly suggest that any effective approach to managing used oil necessitates this question being resolved in favor of not listing used oil as a hazardous waste.

All parties, I think, would agree that the appropriate objective of used oil management is to maximize the Nation's ability to get the enormous amount of used oil now discarded, back into the system and have standards in place to ensure its proper handling. In doing so, we must not create obstacles that impede the flow of oil back into the system. On the contrary, incentives must be created that enlist the power of market forces to work for, rather than against, used oil recovery. That is why I have introduced in Congress H.R. 872, the Oil Recycling Incentives Act. This legislation charts a new course by creating a system of economic incentives to encourage recycling of used oil.

The Oil Recycling Incentives Act currently has more than 60 cosponsors in the House of Representatives. In the Senate, the Oil Recycling Incentives Act (S. 399) was introduced by Senator TIMOTHY WIRTH and Senator JOHN HEINZ.

Currently, 95 percent of the used oil generated by do-it-yourself oil changers in America is simply thrown away. Much of a potentially valuable resource is either illegally burned or finds its way into our water supply via the local landfill or storm drain system. The environmental consequences are alarming, and the energy wasted by this practice is inexcusable. If all the used motor oil generated in the United States were captured and used as fuel, it would provide enough energy for 900,000 households yearly. Unfortunately, disposal is viewed as free and recycling is regarded as expensive or inconvenient.

The Oil Recycling Incentives Act would reverse this situation by requiring companies that produce or import lubricating oil to take some responsibility for getting a percentage of that oil recycled. The legislation requires the petroleum companies to meet the recycling goal by either: recycling the used oil themselves; purchasing re-refined oil from legitimate re-refiners; or by purchasing recycling credits from licensed recyclers. These credits would represent proof the oil had been properly recycled.

If the three methods, clearly the most innovative and exciting potential is offered by producers recycling the used oil themselves. The used oil would be re-introduced during the refining process—in effect making used oil a feed stock—exactly like crude oil. Recycling used oil into the refinery process will not only reduce our dependency on foreign oil, but it offers immediately available capacity for that used oil. Right now, the Nation's capacity for re-refining used oil into lubricant is less than 50 million gallons, or about 1 million barrels, per year. In contast, U.S. refining capacity is around 5,500,000 barrels annually.

Listing used oil as a hazardous waste would impede greatly this most promising method of "getting used oil back into the system." That is one reason why the Oil Recycling Incentives Act would direct the U.S. Environmental Protection Agency not to list used oil as long as it is properly recycled under strict tracking and management standards. The proposed legislation requires both testing for hazardous constituents and simple recordkeeping for the used oil. The used oil would be managed properly all the way from the service station to its final disposition. If the used oil has been contaminated, then the oil would have to be handled by a hazardous waste facility. Otherwise, the oil could be recycled and returned to commerce just like any other product.

Some other aspects of the bill:

EPA is directed to establish a mandatory recycling percentage that increases 2 percentage points each year for 10 years, using the most recent data available as a baseline.

Not later than 18 months after the date of enactment, EPA must issue regulations governing the creation, sale, and purchase of recycling credits.

A producer or importer is treated as recycling two units of used oil for each unit of re-refined oil or re-refined lubricant base stock purchased.

Records of oil tests, quantities of used oil received for recycling, the amount recycled or sold, and sale of credits must be kept for 3 years.

EPA is prohibited from listing used oil filters and affiliated materials as hazardous wastes as long as they are managed in accordance with EPA regulations.

Mixing used oil with any hazardous materials or with virgin crude is prohibited. Testing and recordkeeping is required to demonstrate that dilution and mixing have not taken place.

Transporters of used oil are required to obtain an identification number and insurance along with keeping records of oil pickup and delivery.

Road oiling with used oil is prohibited.

Outreach education activities will be implemented by EPA.

As written, H.R. 872, the Oil Recycling Incentives Act, prompts producers of lubricating oil to act. Some producers no doubt will settle for purchasing recycling credits on the open market, at least initially. But far and away the quickest and most powerful way to "get used oil back into the system" will be for the producers to flex their retail-level muscle—to provide convenient dropoff or pickup points for those wishing to deposit used oil. Then, the oil can be routed to re-refineries or refineries. This is already happening, as witnessed by recent initiatives by Ashland Oil, Amoco, Mobile, Chief Auto Parts, and others. My legislation will prompt the proliferation of more such programs. Another avenue for exploration by oil producers will be the formation of alliances with municipal, regional or state collection efforts, such as Project ROSE [Recycled Oil Saves Energy], a model program in Alabama.

Our Nation has the technology necessary to turn used motor oil into an energy asset and remove it from the list of environmental hazards. What is lacking is the proper economic incentive. Existing public and private initiatives show that the public is willing to act. Industry has an unquenchable thirst for used oil and a virtual limitless capacity to reclaim it through re-refining, refining and fuel processing.

The Oil Recycling Incentives Act creates a system of incentives that makes the oil infrastructure work for our environment and our economy.

## THE WHISKY REBELLION

### HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. SHUSTER. Mr. Speaker, Sunday, March 3, 1991, will mark the 200th anniversary of the important but little remembered Whisky Rebellion. This event had a significant influence on our national development and I hope, at this time, to give it some of the attention it deserves.

On March 3, 1791, our direct predecessors in the First U.S. Congress, enacted a law imposing duties "upon Spirits distilled within the United States"—the infamous tax also prompted the first test of our newly ratified Constitution, then nearing the end of its third year. The ensuing rebellion ended only when President Washington himself returned to the field as Commander in Chief of the militia in 1794.

The entire Appalachian frontier erupted in rebellion as the frontier farmers viewed the tax as a burden they were singled out to bear. They viewed the newly levied tax as a hardship imposed by elite easterners with no respect for their interests. In these rural regions, served only by the most primitive of roads, not only was whisky a medium of exchange but it was also the only "cash crop" that frontier farmers were able to transport and sell in the east.

Opposition to the tax was based on more than economics. The constitutional question of whether the Federal Government had the power to raise revenue through direct taxation, a power previously only exercised by individual States, was also of great concern. Other objections included paying for a public debt incurred without their consent and that if the regional concerns of these rural Americans were ignored, did those adversely effected have the right to disobey the National Government or ultimately to secede from the newly created union?

Early opposition to the tax was peaceful, consisting of petitions from private groups and the repeal of the law by several State governments. More radical groups did surface and resorted to violence in the form of tar-and-feathering of revenue agents and the burning of property owned by those willing to abide by the law. At the height of the rebellion, 5,000 farmers marched on the expanding town of Pittsburgh, then retreated after causing little damage.

President Washington, during this time, saw the growing opposition as a threat to the authority of the National Government and to the unity of the Republic he had helped to establish through years of toil and bloodshed. Regardless of the merits of the tax itself, he felt justified in calling for its strict enforcement as the law of the land. When civil authorities failed to insure compliance, President Washington relied on another newly enacted law to call out the militia and order a march on western Pennsylvania.

The enactment of this seemingly innoxious taxation measure led to an armed confrontation and a test of national unity not to be matched again until the Civil War. Today many still question the need for more than 12,000 armed men used to confront an unorganized force of farmers, perhaps this is a sign of President Washington's perceived threat. While ending the rebellion did not totally eliminate tax evasion, the strong actions taken by the President did establish the primacy of the U.S. Constitution once and for all.

During the next 3 years, various commemorative events will recall the course of the Whisky Rebellion. The citizens of Bedford County, PA where George Washington came in 1794 to put down the rebellion have decided also to commemorate its beginning in 1791 with a ceremony at their historic court house. To mark the bicentennial of the law's enactment Washington, Hamilton and David Bradford will debate again: "Should Whisky be taxed? Our nation's first constitutional crisis."

Hopefully during this historical observance near my home in Bedford County will spark a national interest in the Whisky Rebellion. It deserves national recognition. Chief Justice John Marshall, who lived through those troubled times wrote later that no event during the first quarter century under the U.S. Constitution was of greater importance. Revisiting this period of history will prove his assessment was correct. At a time when the United States faces a major new challenge we should not forget the events of the past which helped to unify our nation and make it strong.

We as Pennsylvanians are extremely proud of our heritage, our history and our nation. We have, since the early days of the United States, always been proud of our role in the development of this great country.

## ESTONIAN INDEPENDENCE

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. LIPINSKI. Mr. Speaker, once again I would like to take a moment to recognize the anniversary of a Baltic nation's independence. This week marks the 73rd anniversary of Estonia's declaration of national sovereignty and self-determination. On February 24, 1918, the leaders of Estonia declared independence even while the country was under German occupation. Risking severe repercussions and additional arrests, the Estonian leadership effectively denounced the previous 8 centuries of foreign rule.

Although Estonian independence was short-lived, it is vital that we continue to recognize it. With the recent Soviet crack-down throughout the Baltics, Estonia, like Latvia and Lithuania, is yet another example of the horribly misguided policies of the Soviet Union. Throughout the Baltic States freedom-loving peoples continue to fight, be persecuted and die for basic human values. Large numbers of Estonians who have been forced to flee the oppressive regime in their homeland reside in the United States. They have brought technical skills, artistic abilities and vibrant cultural heritage to this country, knowing that their talents would be wasted or misused at home. I am confident that when the Soviet Army finally loosens its iron grip on the Baltics, many Estonians will return to their homeland. If the recent actions by Moscow are any indication however, that return may have to be postponed. To many Estonians, the ongoing Soviet occupation, though never recognized by the United States, still remains as an all too real reminder of a bloody and treacherous past.

Worded in a manner that was consistent with most of their other territorial agreements, the Soviet-Estonian peace treaty of 1920, "voluntarily and forever" renounced all Soviet rights over the territory of the people of Estonia. Of course, the guarantees on this piece of paper amounted to little after the 1939 Molotov-Ribbentrop Nonaggression Pact. On the same day that this infamous document was ratified, the Soviet Government imposed upon the rightful government of Estonia a mutual assistance treaty. This document, while reiterating the provisions of the 1920 treaty, forced Estonia to agree to the building of several Soviet military bases at strategic locations throughout the country. With such a Red Army presence, Estonia became yet another vassal to Mother Russia.

It is time for this illegal and brutal occupation to end. The time has come for President Gorbachev to pull his invading armies out of the three Baltic Republics and restore their legitimate national sovereignty. Since the dramatic events of 1989, the nations of Eastern Europe have regained their independence and their people have freely elected representative governments. The communist governments of

Poland, Hungary, East Germany, Romania and the others had seemed so permanent and secure, entrenched as they were with their secret police and Soviet-supported armies. These obscene monuments to Lenin's revolution of the proletariat have now crumbled, their substance being blown away by the forces of freedom and enlightenment.

Estonia has also elected a government of the people which has declared its right to secede from the Soviet Union. Moscow, in its ignorance and sense of false importance, has refused to allow the Estonians to realize this declaration. In his desire to maintain the status quo and placate those in his government who still dream of empire, Gorbachev continues to repress the Estonian people. What he fails to realize is that, just as Eastern Europe unshackled itself from a retarded Soviet economy and a selfish, oppressive regime, so too will the Baltic nations. Like their European counterparts, the Estonians will not willingly concede to the continued occupation of their homeland. Unlike the Europeans however, the Baltic States have several examples to follow which illustrate a workable method of overthrowing the Communists. It is only a matter of time before the Soviets are unable to maintain their toehold.

Mr. Speaker, I would just like to join my colleagues in calling for the immediate withdrawal of all Soviet forces from the Baltic Republics. The people of Estonia, Latvia and Lithuania have made it quite clear that they want their rightful independence. The Soviet Union illegally annexed these three nations and for the past 50 years has maliciously exploited their natural resources, industries and populations. On the 73rd anniversary of Estonia's independence, I once again call upon Mr. Gorbachev to use his power to give the Estonians back their country. I do realize that he may not choose to accede to my wishes on this matter. Afer all, I am used to a democratic system where rational, constructive debate enables us to make decisions with the general welfare foremost in mind. Such a concept is as yet untried in the U.S.S.R. Perhaps though he will someday come to understand democratic government and finally listen to the millions throughout the Soviet Union who only ask for the freedom to choose their own future paths.

## HEALTH CARE LEGISLATION TO HELP ELDERLY

### HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Ms. SNOWE. Mr. Speaker, today I am pleased to introduce, along with original cosponsors, the Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1991 and the Medicare Bone Mass Measurement Coverage Act of 1991. These bills are also included in the Women's Health Equity Act, introduced on February 27 by the congressional caucus on women's issues, of which I am cochair. And Senators CHARLES GRASSLEY and JOHN GLENN, with whom I have collaborated for many years on osteoporosis and other issues affecting the elderly, have introduced this same legislation in the U.S. Senate.

As you are probably aware, osteoporosis, or porous bone, is a major public health problem. As a debilitating disorder, it is characterized by an excessive loss of bone tissue which greatly increases the risk of bone fractures—particularly of the hip, neck, wrist, and spine. Over 27 million Americans are affected—almost half of all women over age 45, 90 percent of women over age 75 and many men as well. The disease develops silently over many years with no symptoms and many people are unaware they have it until a sudden bump, strain, or fall causes their weakened bones to break or their spinal vertebrae to collapse.

At least 1.3 million fractures in the United States each year are caused by osteoporosis, including 250,000 hip fractures, 500,000 vertebral fractures and 200,000 wrist fractures. Direct medical costs for the care of these fractures was estimated to be over $10 billion a year in 1988, with cases related to hip fractures accounting for over $7 billion. As these fractures are concentrated in persons over age 65, and the rate of fracturing increases sharply with age, future costs of caring for these patients could reach $30 to $60 billion a year by the year 2020 if biomedical research fails to find effective prevention and treatment for the disease.

The most tragic consequences of osteoporosis result from hip fractures, which disproportionately affect elderly women; 12 to 20 percent of the individuals who suffer a hip fracture die during the 6 months following the fracture. Of those who do survive a hip fracture, 20 percent will need nursing home care, often for the rest of their lives, and 50 percent will need some help with daily living activities. Over one-fifth will be unable to walk for at least a year—and many will never walk again.

By the year 2030, the number of older persons over age 65 is projected to double, and the number of those over age 85 may increase from 2.5 million to 12 million. Without major advances in prevention and treatment of diseases such as osteoporosis and Alzheimer's disease, the costs of caring for the increased number of hip fracture and dementia patients in this "old-old" age group will soar dramatically. In today's difficult financial climate, mobilizing research efforts on these diseases and disorders which lead to long-term disability in the oldest-old is a positive way to reduce soaring health care costs.

The legislation which I am introducing, the Osteoporosis and Related Bone Disorders Research, Education, and Health Services Act of 1991 will expand, intensify, and coordinate Federal biomedical research on osteoporosis. It provides for an additional $62 million to expand and intensify Federal biomedical research on osteoporosis. Experts maintain that $100 million is necessary to fund the research level needed to make sufficient progress on the disorder. Current level expenditures at the National Institutes of Health [NIH] is approximately $33 million. Although there have been significant advances in osteoporosis research, inadequate funding levels continue to result in very low award rates for research grants on osteoporosis at the National Institutes of Health. Substantial basic research on the causes of osteoporosis and risk factors that can be modified is yet to be done. Research on promising treatments to restore bone loss and to prevent further bone loss must also be expanded and tested in clinical trials.

In addition, the bill would establish: First, an Interagency Council on Osteoporosis and Related Bone Disorders within the Department of Health and Human Services to promote and coordinate research, education, and health promotion programs; second, an Advisory Panel on Osteoporosis and Related Disorders, of non-Federal experts on the disease, which would make recommendations on biomedical research, health promotion and services, and education to Congress and the Secretary of the Department of Health and Human Services; and third, a Resource Center on Osteoporosis and Related Disorders to compile and disseminate information about research results, services and educational materials to health professionals, patients and the public.

I am also introducing the Medicare Bone Mass Measurement Coverage Act of 1991 to expand Medicare coverage for diagnostic testing of osteoporosis. Bone mass measurement is the only accurate way to detect and diagnose low bone mass in order to assess the risk of fracture and select therapy to prevent further loss. Currently, the Health Care Financing Administration [HCFA] only covers reimbursement for bone mass measurement for single photon absorptiometry which has been surpassed for several years by more sophisticated, cost-effective and accurate technologies.

Years of review and reliance on obsolete data have continually delayed HCFA approval of newer bone mass measurement technologies which have been wholeheartedly endorsed by the scientific community. My bill limits Medicare reimbursement for updated bone measurement technologies to four groups which are most at-risk to have or develop osteoporosis and, therefore, most at-risk for developing fractures. As such, the following target groups would be covered: First, estrogen-deficient women at clinical risk for osteoporosis; second, individuals with vertebral abnormalities, such as compression fractures; third, individuals receiving long-term glucocorticoid steroid therapy, and fourth, individuals with primary hyperparathyroidism.

In anticipate that the impact of the cost of such coverage on Medicare expenditures would be very low and would result in some short-run cost savings. In the long run, Medicare and long-term care savings would be substantial as a large share of the direct medical, hospital, and nursing home costs for fractures of osteoporosis patients should be prevented. In addition, Medicare will benefit as insurance companies are likely to follow Medicare's lead and extend coverage for these updated bone measurement technologies to women under age 65. This would result in cost savings to the Medicare Program as the disorder could be detected at an earlier age when prevention is still possible.

These two bills which I am introducing are only slightly modified from those which I introduced in May 1990, in the 101st Congress. They both won significant support, and major provisions of the research bill were included in the NIH reauthorization bill approved by the

full House Energy and Commerce Committee. Both the House and Senate Appropriations Committees also took important steps in recognizing the need for enhanced research on osteoporosis.

Mr. Speaker, I believe that we must continue to build on last year's initial gains in order to establish a major Federal commitment to overcome the devastating human and fiscal costs of osteoporosis. The pain, suffering, immobility and deaths due to the fractures of weakened bones could be substantially reduced, and hopefully eventually eliminated through enhanced biomedical research and prevention and treatment programs. I believe that the legislation which I am introducing today provides a significant step toward these goals.

## AMERICAN SAMOA GOV. PETER TALI COLEMAN'S STATE OF THE TERRITORY ADDRESS

### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. LAGOMARSINO. Mr. Speaker, the Governor of American Samoa issued a moving state of the territory address last month in which he told of the many American Samoan men and women serving in the Persian Gulf. Once again, the people of American Samoa are demonstrating the same deep loyalty to the United States as they have since the American flag was raised in 1900.

I believe Gov. Peter Tali Coleman's state of the territory address reflects the commitment of the people of American Samoa to our 91-year-old relationship. There is no doubt this territorial relationship has developed into a closer one over the past nine decades and it is fitting for the relationship to be further strengthened given the steadfast loyalty of American Samoans.

It is also important to note the great strides in self-government that have been made in Samoa. As Governor Coleman's statement indicates, economic progress continues with a drive toward greater self-reliance and efficiency.

Although American Samoa lies in the Pacific south of the equator and is geographically a great distance from the United States, Governor Coleman's state of the territory reflects unquestionably the loyal and close nature of the United States-American Samoa Federal relationship.

Gov. Peter Tali Coleman's state of the territory address follows:

GOVERNOR'S STATE OF THE TERRITORY ADDRESS, JANUARY 14, 1991.

President Letuli Toloa, members of the Senate, Speaker Tuana Itau Tuia, members of the House of Representatives, Lieutenant Governor Galea I and members of the executive branch, Chief Justice Kruse and the Judiciary, Congressman Eni Faleomavaega, District Governor Leiato, Servant of God, ladies and gentlemen:

I come before you today less than 24 hours before the deadline expires set by the United Nations for Iraq to withdraw from Kuwait. So as the world waits nervously for the outcome of that terrible problem in the Middle East, we are also confronted with daily news bringing us constant warnings of a shaky world economy. Although our islands may seem far away from these events, we cannot avoid being touched by them. As you may know, there are about 400 sons and daughters of Samoa now in the Persian Gulf, and the number grows daily. I guess that perhaps almost every family or village in American Samoa has a son, or a daughter or a relative now in the Persian Gulf. I therefore again respectfully ask each and everyone of us to please remember them in our daily prayers.

Just a week or two ago, I gathered with many of you in a special service (Sauniga Lotu) in Fatuaiga to pray for them. Video tapes of the service and the dedications of many parents and relatives have been sent to our sons and daughters in Saudia Arabia, and informing them of our strong and full support. This is a real crisis for you and all of us. But let us continue to pray for a peaceful and decisive resolution so that our young people can return home soon and safely. I am announcing a half-day working day tomorrow so that all of our government employees may join their families and churches for special prayers for the situation in the Persian Gulf.

But with our minds distracted by examples of self-interest, greed and aggression, let us not lose sight of the positive side of the human spirit. At a time when we are so aware of man's ability to destroy, let us remember man's ability to build. We must focus on the progress that can be made when men and women work together for the common good. We are fortunate this year here in American Samoa, to be surrounded by many fine examples of this kind of achievement.

1990 brought many frustrations and challenges to the people of American Samoa, but it also gave rise to many opportunities for our children in every school. The Samoan studies program was reviewed in an effort to assure that students are prepared to read and write in both English and Samoan. Remedial students were offered a second successful summer school program.

By executive order, the American Samoa Community College has taken significant steps toward establishing itself as an autonomous institution responsible for its own management as overseen by the president of the college and board of higher education. The planned assumption of full autonomy in the fall of this year will help separate the work of the college from politics and assure its continued accreditation. This year the college provided much needed educational services to over 1,200 students.

Quality of education and school facilities have long been the concerns to all of us. Hurricane Ofa destroyed many classrooms and other school facilities, but thanks to the decision of the Fono last year to restructure our taxes to generate much needed additional revenues. As you know, part of the revenues from the 5% excise tax will go to rebuilding of the school buildings and classrooms. We also received a grant of $1.2 million from DOI to assist with the school rebuilding program. We are presenting an amendment to clarify the language of the 5% tax for a more fair application.

The Department of Education has established firm programs to raise the standard of teachers. Teacher certification policy has been established, and for the very first time, a graduated salary scale is in place to truly reflect the academic background and teacher performance.

Together with the community college, the American Samoa teacher education program is designed to upgrade teaching skills and acquire more and new knowledge pursuing higher certification levels.

Our vision for the youth of American Samoa looks beyond their formal education. Those who participated in the last year's summit on education reminded us that the education of our youth is the responsibility not just of our schools, but of the entire community. To that end, I have established the position of coordinator of youth development programs in my office. The youth officer will take the responsibility of working together with all youth organizations in the territory with the goals of improving themselves and their chances for the future.

There is much to be concerned about in 1991, many things and countless individuals and businesses have received cash or loans to make needed repairs. These new buildings stand as symbols of the good which comes of a well-coordinated, team effort.

The Fono can be credited with providing funds last year for a systematic refurbishing of our school facilities, and the required funds to supplement FEMA's recovery efforts. In 1992 when the funds for these programs have been collected, the excise tax will be reduced to 3 percent, and these monies will go far in our efforts to reduce our deficit and provide continued needed services to our people.

The cost cutting measures within the executive branch including our efforts to monitor hiring, purchasing and travel expenses have been successful. Port revenues increased dramatically in 1990, and will increase further this year.

Even though financial woes and of a recovery dominate our memories of 1990. They have not dimmed our vision for the future of the territory. 1991 is marked by the coming together of many projects designed to build a foundation for a safe and prosperous tomorrow.

This year, we begin to take great strides to improve transportation services, both to improve opportunities for business and industry and for the convenience and safety for our people. Repairs to the terminal warehouse and container storage area on the dock have been completed. We have also completed construction of two environmentally sound gasoline storage tanks, the reconditioning of jet fuel storage tanks, and the start of construction of new facilities for storing diesel fuel at the tank farm.

In efforts to improve personal transportation services, the Fitiuta Airport runway was dedicated last August, making it safer to fly between Tutuila and Manu'a and bidding to complete the road from Ta'u to Fitiuta is underway.

Today, I am happy to announce that ASG has obtained an "LCU" vessel, completely overhauled and brand new shaft installed. This vessel, being named SFC. Konelio Pele, will be used by the government for work in Manu'a and Swains Island. She can carry both passengers and heavy cargo. The LCU can be put into full use upon arrival here hopefully by March this year.

A $3.5 million capital improvement allocation to the American Samoa Power Authority [ASPA] has been granted to begin its 5-year plan of improvements to our electrical power and water systems. The Pala Lagoon [waste water] system, Utulei Ocean outfall project and Pago Pago Harbor sewer system rehabilitation project have been completed at a cost of over $8.7 million. Other major projects for ASPA this year include: a new distribution feeder in Tafuna; Computer mapping and CAD system; screener for gov-

ernment surplus items, Tafuna plains sewer collection system; water systems for AOA, Aunuu, and Masefau, and solutions to the Ta'u salty water problem.

In a move for a more economic approach to the use of energy, a new sun-energy powered communication system will be installed in Swains Island, and a similar one in Ofu, Manu'a to improve TV reception in that area. To assist with our efforts to control costs, I plan to propose legislation to create the American Samoa Energy Commission.

We are planning renovation of the terminals at Pago Pago International Airport including the main concourse and restroom facilities.

Additionally, phase 1 of the Onenoa Road has been completed, upgrading of the village road in Fagaalu, Tafuna sidewalk, installation of new underground communication lines in Utulei, construction of the new guest fale at the airport have been completed.

As you can see around the territory, the efforts of parks & recreation and tourism are noted in trying to keep Samoa clean. The Onesosopo Park is now enjoyed by the children and residents of the east side of the island. Lions Park in Tafuna damaged by Ofa has been repaired and now in use. There will also be a new park near that area that should be completed this month. Park and basketball court for the children's playground in Amanave will also be completed this month.

Public safety has put more officers on patrol. A joint effort by our government, DOI and the United States Coast Guard Marine Enforcement Program has beem implemented, and the Disaster Emergency Operations Center has been completed. We need however to improve our fire fighting capabilities by providing better equipment and facilities. I look to the Fono for your help in this respect.

For 1991, we plan to construct 2-story classroom buildings on 4 elementary school sites at: Siliaga, Pavaia'i, Alataua Lua and Tafuna. We also plan to build a new special education facility at Matafao Elementary School, a new fire station in Tafuna, and new medical clinics in Leone and Mapusaga.

Government facilities slated for repairs include offices and warehouses, phase 2 of the Onenoa Road, seawalls to augment the American Samoa Shore Protection Program, work on Faleasao Harbor, and upgrading the road to Fagasa.

Work on the re-roofing of the hospital in Fagaalu is also scheduled for completion this year. A new small resting room is to be built this month adjacent to the hospital in that area to provide our dialysis patients room to rest prior and after their treatment.

We should also begin to think seriously about building a new hospital. The facility now in Fagaalu has grown old and most of it too expensive for proper repairs. There is nothing more important to all of us than the health of our people. Providing a good health facility with good doctors and good nurses should be a priority with all of us, certainly, a priority in this administration. We shall begin to work on this project in the very near future. Meanwhile, a new hospital authority has been established to conform with Federal requirements.

A federally funded, youth sports center is planned for construction at the Pago Pago Park. We take pride in the abilities of our youths to compete in various sports activities locally and in the national level. We witness that fact every weekend watching college and professional sports, particularly football. Samoans stand out in several college and professional teams. Providing this new sports facility will go a long way in helping our youths achieve their goals and making their dreams come true.

A vision of the future which provides for development, must also provide protection for our environment. Our health and prosperity depend on our ability to protect our natural resources. This year, we have established the clean water standards for Pago Pago Harbor designed to clean up the pollution in our waters, and are currently working with the canneries to plan construction of a pipeline which will ensure that the pollutants they produce are deposited far from our shores. Meanwhile, wastes from the canneries are now being taken to an ocean dump site many miles away. A Waste Oil Management Program is planned for implementation in conjunction with our EPA, ASPA and the canneries.

The American Samoa Community College working with departments of development planning and marine and wildlife resources has completed a list of threatened and endangered species in American Samoa. Work is being done to establish a research station at the college. A complete alcohol and drug policy for the college has been established.

In 1991, we will begin construction of a new two-story marine and wildlife resources facility to replace the current building. The new facility will enable the office to provide even more reliable information and services to those who depend on our natural resources, and will improve the appearance of the harbor area.

This year, we will also begin three projects designed to further secure our contact with our historic past. Plans are currently being developed for restoration of the historic courthouse building in Fagatogo, and arrangements have been made for the donation of materials to repair the roof of the Hayden Museum which houses so many valuable documents and artifacts of local historical significance. Recently, we broke ground for the construction of a record center (archives) in Tafuna which will house records of personal and government affairs in order that they may be safely preserved for future generations. This is an important building for its purpose. It is vital that we properly maintain and preserve records of our territory and this government.

A new $2.3 million main library is planned for construction this year. The seed money is provided by the Barstow Foundation and the Department of Education. The rest of the money will be provided by contributions from key corporations and the general public. The new library will be the major resource center of intellectual development for our people, particularly the youths.

In housing, the American Samoa Development Bank expended a total of $3.8 million last year for housing, home improvements and new homes, business loans and business line of credit. Home improvement loans were increased to $10,000 from $5,000, and new home loans increased to $75,000 from $40,000.

To stimulate our local economy and basically to fund housing and to invest in our local private businesses and other important matters, the development bank is negotiating a $50 million loan from American Express/Shearson Lehman Bros/and International Capital Corp. Approximately 900 to 1,000 new homes for our people can be funded with this money. I do not have to tell you the dramatic, extensive and positive impact these new funds will bring to the economy of the territory.

For the very first time, the hotel realized a substantial profit last year and its cash position shows a balance of $275,000. Several rooms have been refurbished and brought up to today's standards, and a new professional manager is being sought and should be in place in the near future. We look for better conditions and better things happening in the hotel this year.

No vision for the future is complete without plans for those who will live in the world we are working now to create those who will lead Samoa into the 21st century are the youths of today.

In thinking about our young people, we turn first to their education and to the work of those entrusted with their intellectual growth * * * their teachers. No other group has a greater impact on our future. This year, inspired by the many ideas and concerns shared at the Governor's territorial summit on education, the Department of Education has established a teacher career-ladder salary plan which provides incentives for teachers to pursue professional development and which rewards teachers based on their performance in the classroom. Supporting the career ladder is a system of teacher certification and training which includes the establishment of the first comprehensive teacher training program at the American Samoa Community College, and continuation of university programs to provide bachelor's and master's degrees to teachers. We have also instituted leadership training for school principals through the lead project.

The dedication of our local educators has meant improved opportunities for young people in every age group in our school system. This year for the very first time, kindergarten programs were available to people to experience what courage, faith, hard work and dedication can produce.

On the occasion of this opening of the 22nd legislature, which is also the mid-point of this administration, let me take this opportunity to reflect on and celebrate our achievements, and to set a course for continued progress toward our vision of the future.

1990 began with the territory mired in a financial crisis, which was soon after, complicated by Hurricane Ofa. I do not need to remind you of the extent of damages the winds and rain brought with them. But I would like to focus your attention on our recovery efforts.

In just days and weeks following OPA, the people of this territory pulled together to rebuild, neighbor helping neighbor. They were assisted in their rebuilding efforts by government departments committed to serving the people in their time of need. None of us should forget the tremendous efforts of ASPA and communications crews who worked day and night to see that power, water and telephone services were quickly restored. We must acknowledge the work of the Department of Public Works in attending to emergency repairs, public safety in providing necessary order, tourism and parks and recreation helping out with general clean-up, and the American Samoa Community College Land Grant Program and the Department of Agriculture for their support of efforts to restore our crops and other agricultural resources. The Office of Treasury worked with FEMA to see that the recovery of personal losses and the rebuilding of homes and businesses could begin promptly. Working along with others from the Office of the Attorney General, they have recently negotiated the insurance settlement of $14 million plus which will make possible the reconstruction and repair of many government properties and facilities.

We must also recognize the work and efforts of public works and ASPA workers who went to western Samoa and assisted our brothers and sisters there in restoring power to rural areas following OPA.

To date, construction has began or been completed on 828 new homes. But there is also hope and progress all around us of which we must not lose sight. I see signs in American Samoa's present that makes me confident about our future. So, although OPA brought vast devastations to our islands, it also brought blessings to many of our residents. We see many new homes already completed, and most people have done the necessary repairs to their homes and dwellings.

Just last week, I was fortunate to join in the celebration of the graduation of Dr. Annie Fuavai, from medical school in Fiji. Dr. Fuavai, locally educated, has chosen to return home to serve the people of American Samoa as a surgeon. She is an example for us to see that all young people of American Samoa have access to the opportunities Annie has enjoyed, and that we continue to move forward to provide a prosperous future for all, and to make it easier for our children to make their dreams come true.

Finally, let me turn to our political future. Much was written about the political future following the annual meeting of the Pacific Basin Development Council (Governors) which was held here in November. Let me assure you that the opening of talks with Washington to discuss a new relationship which I called for, does not signal any fundamental change in our way of life. Terms such as Commonwealth or Free Association do not have precise legal meanings in the United States system. Every political subsidivision, whatever it may be called, falls into one of two categories: Either it is a State or it is not a State. We have lived proudly under the American flag for almost 91 years in the latter category and I judge that it is the overwhelming sentiment of our people that we continue to do so. But that does not mean we cannot improve our relationship with America even though ours has succeeded where many blendings of cultures have failed. That is because our relationship was established in 1900 on the basis of mutual respect for customs and cultural differences and that concept has been honored by succeeding generations.

The most important contrast is our land tenure system which differs drastically from the prevailing system most everywhere else in the United States. Although our nearly century-old treaty continues to be our basic document of association, for some time, I have been concerned that the institutional arrangements with Washington developed over the years to carry out the treaty have become outmoded and are out of step with the times. In an era where self-government and self-determination have become watchwords around the world, the time has come for our leaders and our people to examine whether a secretarial order of the Department of Interior provides sufficient protection for our land and culture and security for our relationship with the United States. I, for one, have serious doubts that it does. I also doubt whether Congress is a better substitute for that matter.

Any new arrangement must provide for permanent protection of our land and preservation of our culture and FAA-Samoa while strengthening our political position in the U.S. family, maximizing our self-government and, if possible within the framework of the U.S. Constitution, provide U.S. citizenship to all our people. These are basic goals, my basic objectives, whether it is called a commonwealth, a territory, or a freely associated state or something else is immaterial to me because it will still be called, American Samoa.

In preparation for full discussion with the people of the alternatives for our political future, I have asked the Fono leadership to work together with me in introducing a resolution in this session requesting the Secretary of the Interior through my office to authorize my appointing of a future political and constitutional review commission for this purpose with a broad mandate to look at all our options. In the meantime, I will be traveling to Washington shortly and will be meeting with the Secretary of Interior also to explain our intentions.

I know it is difficult for any of us to pay any tax. But the reality of the situation is that we in this government must provide the necessary and improved services to our people. We must provide the best we can for the education of our children and the protection of our island resources and environment. For all these and many more, we need money. We cannot continue to depend on Washington to provide for everything—with the impending war and the world shaky economy, we must look upon ourselves to share in the costs of providing these necessary services. These things are for our own benefit not for anyone else.

To the President and the distinguished Members of the Senate, I am resubmitting the name of Mrs. Mere Tuiasosopo Betham for confirmation as the first woman to fill the important position of Samoan associate judge. She has been bestowed by her family the Tulafale Matai title of Seuvaai, and it has been duly registered with the Office of the Territorial Registrar. I respectfully request of the Senate to confirm Tofa Seuvaai. Not only has she the qualifications for the position, her confirmation by the Senate will also show to the people our respect for the women of Samoa.

So, as you prepare now to undertake the many tasks before you in what should be a lively and, I am sure, productive session, let me congratulate your leadership on their recent elections, let me welcome back the returning Members of the House and Senate and let me express a special Talofa to all the new faipules who are taking their seats here for the first time to take part in the sacred trust called government. I stand ready to work together with all of you, so that together, we can provide the best we can for all our people and our children.

May God bless this Fono, may it legislate wisely, and may we all govern well and honestly for the good the people of Tutuila and Manua.

May God bless American Samoa, and

May God bless the United States of America.

SOIFUA.

## THE INDIANA DUNES NATIONAL LAKESHORE ACCESS AND ENHANCEMENT ACT

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. VISCLOSKY. Mr. Speaker, today I introduce the Indiana Dunes National Lakeshore Access and Enhancement Act, a bill to recapture over 1,030 acres of Indiana's dunelands for the people of the United States of America. The legislation, much smaller in scope than a similar bill passed by the House of Representatives in the last Congress, strikes a delicate balance between differing local interests and the needs of the National Park Service and the American public.

I began to formulate this legislation in December, 1988, due to my concern about the growing demands placed on the Indiana Dunes National Lakeshore. Park visitorship grew from 264,000 in 1977 to 1,791,902 in 1989. All signs indicate that this trend will continue. As visitor demand grows, internal and external challenges on the park also grow. These challenges must be met. The Indiana Dunes National Lakeshore Access and Enhancement Act addresses many of these challenges.

Throughout the process of drafting this bill, I have been in constant contact with community leaders, concerned individuals and property owners as well as local environmental groups. I am pleased that most of the controversy surrounding the legislation has dissipated as a result of compromise on the part of all involved. I do realize that a few contentious issues remain. I am committed to continue discussions as the bill moves through the legislative process.

The Indiana Dunes National Lakeshore is a park of serene beauty and recreation. Approximately 8 million people live within easy commuting distance of the park. It provides beaches, picnic areas, trails for biking and hiking, seasonal festivals and educational facilities for park visitors. Throughout the years, the Lakeshore has become an anchor for improving the quality of life in Northwest Indiana.

In a State where only 3 percent of all land is in public ownership, only a small percentage of land in each region is available for outdoor recreation. We must take great care of the public lands we have. The Indiana Dunes National Lakeshore Access and Enhancement Act does just that. It offers visitors a vast array of new opportunities and provides the park with additional room to maneuver. Now is the time to accept the challenges faced by this national park. For, as the National Lakeshore has improved the lives of park visitors and local residents, so too must we continue to improve the Lakeshore.

## TRIBUTE TO ROBERT NESEN

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. GALLEGLY. Mr. Speaker, on March 12 one of the leading citizens of my district will be honored for his outstanding contributions to international friendship and to his own community.

Robert D. Nesen, who was an outstanding ambassador to Australia in the 1980's, will be honored by the Australian/American Society of Greater Los Angeles for his contributions to the international community and to the community in which he lives. Bob has been instrumental in the growth and prosperity of Ventura County for many decades, and has earned his

reputation as an elder statesman in our area. Mr. Speaker, I am proud to call Bob a friend.

In addition, the event will salute the strong bounds of friendship and cooperation that exist between Australia and America. As the economies of California and the entire United States become more intertwined with the nations of the Pacific Rim, it is important to note that friendship, and to resolve to maintain and strengthen those ties.

Furthermore, Mr. Speaker, the event will benefit Parkinson's disease research. Ambassador Nesen will be presented with the prestigious Path to Dignity Award by the American Parkinson Disease Association. Because of the valiant struggle that the Hon. MORRIS K. UDALL, one of this body's most respected members, has waged against this disease, Members of this House have an understanding of just how tragic and debilitating Parkinson's disease is. Fittingly, Mr. UDALL is a member of the event's honorary committee, and I know my colleagues join me in wishing him a speedy recovery from his recent injuries.

In conclusion, Mr. Speaker, I ask my colleagues to join me in saluting Bob Nesen for his many accomplishments, and in honoring the Australian/American Society of Greater Los Angeles for their role in promoting friendship and in their generous role in helping to fight Parkinson's disease.

## TRIBUTE TO DR. M. PATON RYAN, R.S.M.

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in tribute to a friend of the greater Hartford, CT community who recently passed away. Dr. M. Paton Ryan, president of Saint Joseph College, was a friend to many—the college community, business and civic leaders, elected officials, and the Sisters of Mercy, the religious order to which she belonged.

The strength of her leadership was founded in the strength of the woman. Friends and colleagues remember her compassion, wit, confidence, intellect, vision, and her humanity. She knew great courage from her days in the halls of the male-dominated Yale University graduate school, to her most recent and challenging battle with cancer. Adversity seemed not to have been a part of Paton's vocabulary.

Paton was a friend and a colleague, she was ever the optimist, and she was dedicated to the ideals and principles for which she herself was best known and respected. She was described by her peers as "a hero, one of the most influential people," as "someone you could talk about anything with, from basketball to Shakespeare," and "to think of Mary Paton Ryan is to feel joy." Paton was modest, funny, engaging, tough—yet fair, gentle and most of all, an outstanding role model for the young women whom she lead as president of St. Joseph College.

I would like to share a thought which Paton held dear and was featured in the Outlook, the campus publication which carried the news of her death: "Not even the deepest snows can hide the promise of new growth and longer days. The wellsprings of life flow fed by the beliefs shaping our lives; our love for families, friends and colleagues; our respect for all those who at every level generously serve in order to lead us toward a better world." Paton worked tirelessly in her commitment to a better world, and the greatest tribute we can offer to this dynamic woman who gave so much of herself to others, is to perpetuate her dreams of creating and sustaining a better life.

## THE 200TH ANNIVERSARY OF PORTUGUESE DIPLOMATIC RELATIONS

### HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. RHODES. Mr. Speaker, during the recorded vote on Senate Joint Resolution 55 (H.J. Res. 100) on February 27, 1991, I was unavoidably absent.

Had I been present, I would have voted "yes" on the passage of Senate Joint Resolution 55 (H.J. Res. 100), which recognizes the 200th anniversary of Portuguese diplomatic relations with the United States, and further recognizes the continued strong friendship and cooperation between the people of the United States and Portugal.

## HONORING DENNIS B. HART

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleague's attention the long and distinguished career of the Sacramento County Department of Social Services director, Dennis B. Hart.

Mr. Hart will be celebrating his retirement this evening after serving 10 years in the position of director of the Department of Social Services for Sacramento County, and 20 years of county government service prior to it. He has been in charge of over 1,000 employees in three separate positions and wisely allotted money to very important social programs throughout the State.

He worked his way up from a county probation officer in Los Angeles in 1961, to his present job as director of social services. Throughout his career, he has been active on national social welfare committees and the National Association of Counties. He has strived for efficiency in the welfare system by eliminating fraud and other abuses in each department he has been associated with. He has been in charge of large amounts of the taxpayers money, and spent it wisely.

Mr. Speaker, I know that my colleagues join me in honoring and thanking Dennis B. Hart for his valuable contributions to our society. We wish him well in his retirement.

## OUTSTANDING AFRICAN-AMERICAN CHARLES R. PRUDHOMME, M.D. PSYCHIATRIST

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. DELLUMS. Mr. Speaker, I am pleased to place into the RECORD the following statement regarding an outstanding African-American, Charles R. Prudhomme, M.D., psychiatrist.

Dr. Prudhomme was one of the founders of the local D.C. Mental Health Association and developed the student mental health program at Howard University. He received the first Solomon Carter Fuller Award in the early 1970's. His contributions to psychiatry were also formally recognized by the psychiatry/neurology section of the National Medical Association. In addition to his service as an officer of the APA, he was a member of the ethics committee, black psychiatrists task force, and committee on public policy.

A native of Opelousas, LA, Dr. Prudhomme spent his childhood in Kansas City, MO. Often a victim of racial discrimination, he devoted a significant amount of his time and energy to working toward the elimination of racist practices during his professional career. He often recalled the meeting he had with President Harry S Truman, along with other African-American leaders, about segregation of the Veterans' Administration. The following day President Truman desegregated the VA hospitals by Executive order.

He was the first African-American to be elected to a national office of the American Psychiatric Association, he served as vice president, 1970–71. In 1985 he was presented with the Distinguished Service Award at the APA annual meeting. The nominating committee, which selected Dr. Prudhomme for this award, reported that his "distinguished service to the APA and American psychiatry is a reflection of a medical career dedicated to the pursuit of excellence in patient care." He is remembered by a number of distinguished firsts. In 1952 he became the first African-American psychiatrist appointed—by the chief justice of the U.S. district courts—to the Mental Health Commission, serving to review the involuntary hospitalization of the mentally ill in the District of Columbia. He was the first psychiatrist to be associated with the Peace Corps project.

A little known fact is that Dr. Prudhomme once played professional baseball. He was known as an excellent pitcher for the Kansas City Monarchs—the same team on which the late Satchel Paige played before desegregation of baseball.

Mr. Speaker, it is my pleasure to bring this information to the attention of my colleagues regarding this outstanding African-American during Black History Month.

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## INTRODUCTION OF TERRY BICYCLE BILL

### HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to introduce legislation to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles. This legislation will bring the duties on bicycles designed specifically for women into line with other bicycles.

As noted in a recent ITC study, the average woman has longer legs, a shorter torso, shorter arms and smaller hands than the average man. The average height is also different for men and women. Consequently, the specifications for bicycles designed to accommodate women cyclists are different, particularly regarding tire size. Such bicycles, designed by Terry Bicycle of Macedon, NY, use a 24-inch front wheel and a 27-inch rear wheel to specifically accommodate the physiological needs of women. Many dealers nationwide have endorsed this bicycle as one of superior design for adult women.

Despite the fact that these bicyles do not differ significantly in any other way from other lightweight bikes, the bicycles are classified differently for tariff purposes. Because of the mixed wheel size, these bicycles are covered under a separate tariff classification (8712.00.40.00.4—"Other Bicycles") and are subject to a 15 percent duty rate. The bicycles with which these compete, with wheels of similar size, fall under a tariff classification (8712.00.20.00.8) which entails a 5.5 percent duty rate.

Because of the disparate wheel size of these lightweight bikes designed to accommodate women's body type, Terry Bicycles has had to pay a higher duty rate. In other words, because these bikes are designed specifically for women, they don't qualify for normal duty treatment. I see no justification for this arbitrary differentiation, and neither do several competitors of Terry Bicycles. Domestic bicycle producers such as Schwinn, Cannondale, and Trek have all stated that there should be no reason to oppose this bill. In addition, the National Organization of Women has expressed its support for this legislation.

The present classification of these bicycles clearly represents discrimination. My legislation seeks to reverse this inequity and allow equal access for female consumers in this market. In the interests of fairness, I urge the adoption of this bill.

## LEGISLATION TO PUT UNEMPLOYMENT INSURANCE PROGRAM BACK ON THE ROAD TO HEALTH

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. LEVIN of Michigan. Mr. Speaker, I rise today to introduce legislation with Mr. PEASE of Ohio to put our Unemployment Insurance Program back on the road to health.

Every day brings more bad news about the condition of our UI Program. It only covers one-third of the unemployed in America today. There are great disparities from State to State in the amount of benefits that workers receive, and those benefits are only a small fraction of their previous income. The Extended Benefits Program, designed to help our long-term unemployed, is rarely used because of arcane and unfair trigger mechanisms.

But one critical problem must be addressed before we can move on to a much-needed overhaul of the UI Program: The shortfalls in administrative funding that plague the UI system today.

I'm sure many of my colleagues had a chance over the recess to witness firsthand the anguish and frustration of workers who have had to wait endlessly for their benefit checks to arrive.

The unemployed workers I've spoken to don't understand why a program specifically designed to provide replacement income during a recession is failing them. What they do understand all too clearly are the consequences of that broken promise: Time spent idling in unemployment lines, bills unpaid, job searches delayed.

Quite frankly, Mr. Speaker, I share their bewilderment. These workers have run afoul of a UI Program in distress, unequipped to handle the increases in caseload. And why is that? Not because of a failure to provide for the necessary resources—there is more than enough money in the UI trust fund account for administrative services.

The real problem is that the integrity of our UI Program is in jeopardy because the Federal Government has shirked its responsibility to provide to the States administrative funding for the program. We have shortchanged the States on administrative funding in order to make the deficit look smaller. This is federalism—whether old or new—turned on its head.

It is simply unfair to play budget politics with the welfare of the American worker. That is why Mr. PEASE and I are introducing legislation today to solve once and for all the problem of administrative funding shortfalls.

Our proposal changes the budgetary treatment of UI administrative funding for UI from a discretionary appropriation to an appropriated entitlement, or mandatory spending program. The proposal also establishes a contingency reserve fund to ensure that States are quickly and efficiently compensated for any unanticipated increases in unemployment.

Unemployment insurance is the only State-administered entitlement program not to have mandatory administrative financing. It makes no sense that food stamp recipients and Medicaid beneficiaries receive their checks on time but unemployed workers must stand in line because the Federal Government refuses to provide adequate funding. It's especially outrageous because UI is the only major State-administered entitlement funded through a tax collected specifically for State administrative needs.

I hope my colleagues will carefully consider our proposal. I think it takes the steps necessary to put the insurance back in "unemployment insurance." I look forward to working with all Members of this House, and anyone else who is interested, to fix this problem for good.

Then we can get on with the important task of reforming our UI Program to make it more responsive to the needs of our workers and our businesses.

Mr. Speaker, I ask that the text of the bill be inserted in the RECORD at this point:

UNEMPLOYMENT INSURANCE ADMINISTRATIVE FINANCING REFORM ACT

*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 "Unemployment Insurance Administrative Financing Reform Act".

**SEC. 2. GRANTS TO STATES FOR ADMINISTRATIVE FINANCING.**

(a) IN GENERAL.—Section 301 of the Social Security Act is amended to read as follows:

"PAYMENTS TO STATES

"SEC. 301. (a) IN GENERAL.—Each State shall be entitled to payment under this title for each fiscal year in an amount equal to its allotment of the aggregate amount determined under subsection (b) for such fiscal year, to be used for the purposes of assisting the State in the administration of its unemployment compensation laws (including administration pursuant to agreements under any Federal unemployment compenstion law).

"(b) AGGREGATE ANNUAL PAYMENT.—

"(1) IN GENERAL.—Subject to subsection (d), the aggregate amount of payments to which the States are entitled under this title for any fiscal year shall be the sum of—

"(A) the basic unemployment insurance service grant,

"(B) the anticipated additional workload grant, and

"(C) the unanticipated additional workload grant.

"(2) GRANT AMOUNTS.—For purposes of paragraph (1), the grant amounts for fiscal year 1992 shall be—

"(A) for the basic unemployment insurance service grant, $2,160,000,000 annually,

"(B) for the anticipated additional workload grant, an annual amount equal to the amount determined by multiplying—

"(i) $300, by

"(ii) the number by which the average weekly insured unemployment is projected to exceed 2,000,000 during such fiscal year, as estimated in the budget submitted by the President to the Congress for such fiscal year and in any subsequent revision of such projection submitted by the President to the Congress prior to the beginning of such fiscal year, and

"(C) for the unanticipated additional workload grant, a quarterly amount equal to the amount determined by multiplying—

"(i) $75, by

"(ii) the number by which the average weekly insured unemployment during the most recent 3-month period for which data is available preceding the calendar quarter exceeds the projected excess applicable under subparagraph (b)(ii), as determined by the Secretary of Labor on the basis of the reports made by the State agencies to the Secretary.

"(3) AVERAGE WEEKLY INSURED UNEMPLOYMENT.—For purposes of paragraph (2), the term 'average weekly insured unemployment' means the average weekly number of individuals filing claims for regular or extended unemployment compensation for weeks of unemployment with respect to the applicable period.

"(4) INFLATION ADJUSTMENTS.—

"(A) IN GENERAL.—In the case of fiscal year 1993 or any succeeding fiscal year, each amount contained in paragraph (2) shall be increased by the percentage determined under subparagraph (B) for such fiscal year.

"(B) DETERMINATION OF PERCENTAGE.—For purposes of subparagraph (A), the percentage determined under this subparagraph for any fiscal year is the percentage (if any) by which—

"(i) the applicable index for the most recent calendar year for which data is available, exceeds

"(ii) the applicable index for the base year.

"(C) APPLICABLE INDEX.—For purposes of subparagraph (B), the term 'applicable index' means—

"(i) in the case of the amounts contained in subparagraphs (A) and (B)(ii) of paragraph (2), the aggregate civilian labor force (as determined by the Secretary of Labor), and

"(ii) in the case of the amounts contained in subparagraphs (B)(i) and (C)(i) of paragraph (2), the aggregate State employees wages (as determined by the Secretary of Labor on the basis of the most recent census data available).

"(D) BASE YEAR.—For purposes of subparagraph (B), the term 'base year' means—

"(i) calendar year 1990, in the case of the index described in subparagraph (C)(i), and

"(ii) calendar year 1989, in the case of the index described in subparagraph (C)(ii).

"(c) ALLOTMENT AND USE OF PAYMENTS.—

"(1) IN GENERAL.—Of the aggregate annual payment for any fiscal year under subsection (b)—

"(A) the basic unemployment insurance service grant amount shall be allotted to the States in accordance with the criteria set forth in section 302 and shall be used by such States for assisting in the administration of their unemployment compensation laws (including administration pursuant to agreements under any Federal unemployment compensation law), and

"(B) the anticipated additional workload grant and unanticipated additional workload grant amounts shall be allotted on a quarterly basis to the States in accordance with the criteria set forth in section 302 and shall be used by such States for assisting in the administration of their unemployment compensation laws (including administration pursuant to agreements under any Federal unemployment compensation law).

"(2) OBLIGATION OF FUNDS.—Any amount made available to a State under this section shall remain available to such State for obligation only during—

"(A) the 36-month period beginning on the date on which such amount is made available, in the case of amounts obligated for capital acquisitions, or

"(B) the 18-month period beginning on such date, in the case of amounts obligated for any other purpose.

"(d) ANNUAL FEDERAL RESERVE FROM STATE ALLOTMENTS.—The Secretary of Labor may reserve not more than 10 percent of the aggregate basic unemployment insurance service grant under subsection (b)(1)(A) for any fiscal year to carry out activities in support of the unemployment compensation system, including activities under sections 901(c)(1)(B), 906, 907, and 908."

(b) CONFORMING AMENDMENTS.—

(1) The heading of title III of such act is amended to read as follows:

"TITLE III—GRANTS TO STATES FOR EMPLOYMENT SECURITY ADMINISTRATION".

(2)(A) Section 302 of such Act is amended—

(i) in the last sentence of subsection (a), by striking "amount appropriated therefor" and inserting the following: "the sum of the basic unemployment insurance service grant, anticipated additional workload grant, and unanticipated additional workload grant amounts under section 301(b)(1)", and

(ii) in subsection (b), by striking "Out of the sums appropriated therefor, the " and inserting "The".

(B) The heading of section 302 of such act is amended to read as follows:

"ALLOTMENTS FOR UNEMPLOYMENT COMPENSATION ADMINISTRATION".

(3) Subparagraph (A) of section 901(c)(1) of such Act is amended in the matter preceding clause (i) by inserting "(or as are required under section 301)" after "appropriate".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1991.

**SEC. 3. REPORT ON METHOD OF ALLOCATION OF ADMINISTRATIVE FUNDS TO STATES.**

(a) IN GENERAL.—The Secretary of Labor shall submit to the Congress, within the 12-month period beginning on the date of the enactment of this Act, a comprehensive report evaluating proposals for revising the method of allocating grants among the States under section 302 of the Social Security Act.

(b) SPECIFIC REQUIREMENTS.—The report required by subsection (a) shall include an evaluation of—

(1) the use of unemployment insurance workload levels as the primary factor in allocating grants among the States under section 302 of the Social Security Act,

(2) proposals for ensuring that each State receive not less than a minimum grant amount for each fiscal year,

(3) the use of nationally available objective data to determine the unemployment compensation administrative costs of each State, with consideration of legitimate cost differences among the States,

(4) proposals for the simplification of the method of allocating such grants among the States,

(5) proposals to eliminate the disincentives to productivity and inefficiency which exist in the current method of allocating such grants among the States,

(6) proposals for the promotion of innovation and cost-effective practices in the method of allocating such grants among the States, and

(7) the effect of each proposal on the grant amounts allocated to each State.

(c) CONGRESSIONAL REVIEW PERIOD.—The Secretary of Labor may not revise the method in effect on the date of the enactment of this Act for allocating grants among the States under section 302 of the Social Security Act, until after the expiration of the 6-month period beginning on the date on which the report required by subsection (a) is submitted to the Congress.

**SEC. 4. TREATMENT OF UNEMPLOYMENT COMPENSATION PROGRAMS.**

The following programs shall be exempt from any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 1992 or any succeeding fiscal year:

(1) EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM.—Payments to States under the Federal-State Extended Unemployment Compensation Act of 1970.

(2) EMPLOYMENT SECURITY ADMINISTRATION.—Payments to States under title III of the Social Security Act.

(3) RAILROAD UNEMPLOYMENT COMPENSATION PROGRAM.—Payments under the Railroad Unemployment Insurance Act.

## THE PRESENTATION OF A NATIONAL SYMBOL OF SUPPORT FOR U.S. TROOPS STATIONED IN THE PERSIAN GULF

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. DUNCAN. Mr. Speaker, I would like to commend one of my constituents, Mrs. Ann Lamon, for the action she has taken to support our brave men and women who are stationed in the Middle East.

In a recent letter, Mrs. Lamon expressed to me her pride in our American troops, her prayerful hopes for peace in all the world, and her confidence in a victorious homecoming for the U.S. forces stationed in the Persian Gulf. Because of these feelings she has been inspired to design a flag that encompasses her sentiments, and perhaps those of all Americans who take pride in the principles of democracy and justice that our great country champions in the Middle East today. As Mrs. Lamon explains, "Our troops need the inspiration of a unified backing of the American people. They need to know that they will not be forgotten."

I am fortunate to have been one of the first recipients of this inspiring standard. Mrs. Lamon has offered her banner to me, to present to you today, as a national symbol of support for our troops. The flag design in red, white, blue, and yellow has a star for each State, a dove for peace, and a yellow ribbon representing our hopes for the speedy and safe return of our troops.

Mr. Speaker, and my colleagues in the House, join me today in applauding Mrs. Ann Lamon for her active role in support of our troops, and in recognizing Mrs. Lamon's flag as a national symbol of support for our American forces in the Middle East. Mrs. Lamon's sincere patriotism is to be commended and held up as an example for all to admire and strive to emulate.

## THE LISTEN/GLOBAL RELEAF TREE PROGRAM

### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. LEVINE of California. Mr. Speaker, I rise today to tell you about an exciting new venture begun recently by H. Alpert & Co. In conjunction with the American Forestry Association, H. Alpert & Co. has introduced the Listen/Global Releaf Tree Program.

Global Releaf is a campaign of the American Forestry Association whose major goal is to plant 100 million new oxygen giving, energy saving trees by 1992. "Listen" is a new fragrance by H. Alpert & Co. With any Listen purchase, Listen/Global Releaf will plant a tree in the name of the customer or name designated

by the customer. A commemorative certicate will be sent from the corporate office in Los Angeles for acknowledgement.

The Listen/Global Releaf "Plant a Tree" program is working with forestry agencies in all 50 States. As of this time they have planted over 1,000 trees through the American Forestry Association.

Mr. Speaker, I urge my colleagues to join me in wishing the best of luck to H. Alpert & Co. with their innovative project. I encourage others with the same entrepreneurial spirit to promote environmentally responsible ventures in cities all across the Nation.

## BENJAMIN BURRELL HONORED

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. HORTON. Mr. Speaker, I rise today to direct the attention of this body to the accomplishments that have been made in furthering the cause of excellent management in the Federal Government. In particular, I would like to commend one individual who clearly has achieved excellence as a Federal Government manager. Mr. Benjamin Burrell, Director of the Facilities and Administrative Services Staff [FASS] in the Department of Justice, was recently awarded the Attorney General's Excellence in Management Award as well as one of the General Services Administration's Governmentwide awards for Excellence in Administration. An 18-year veteran of the Department of Justice, Mr. Burrell has increased the efficiency and reduced the cost of operations at the Department in a way which should make us proud and give us hope in these times of fiscal difficulty.

As the Director of FASS, a 250-person unit of the Department dedicated to space acquisition and facilities management, Mr. Burrell has accomplished things that have left his colleagues in awe. He spearheaded the consolidation of space for the Drug Enforcement Administration and the U.S. Marshall's Service into one building in Arlington; he oversaw the renovation of the Todd Building, which provided space for the Civil Division; he furthered the major government office space program—Facilities Program 2000—that he designed, developed, and negotiated among many parties and that will bring 2.3 million square feet of space to the Department; and he has assumed the pressing task of finding housing and space for the hundreds of new Department employees. Also, as Chairman of the Federal Administrative Managers Association, Mr. Burrell has had a pivotal role in, among other things, the beneficial reformulation of Department regulations concerning facilities and space.

We should all hope that managers like Benjamin Burrell are not rare in our Government. The kind of initiative, perseverance, sensitivity and intelligence that Mr. Burrell has shown in the area of facilities and administrative services is precisely what is needed to streamline the Government and reduce the deficit. This kind of work often goes unnoticed, and I am pleased that the Department of Justice and the General Services Administration have recognized the great accomplishments of Mr. Burrell.

## AWAITING A COUP

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. JACOBS. Mr. Speaker, now that we have Kuwait we need only wait for the coup.

## TRIBUTE TO NORTH MIAMI VICE MAYOR HOWARD PREMER

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. LEHMAN of Florida. Mr. Speaker, city of North Miami Vice Mayor Howard Premer has made important contributions to his community during his tenure on the city council. His emphasis on neighborhood improvement, business development, and intergovernmental cooperation has paid big dividends in preparing North Miami for the challenges of the future.

A profile on Howard Premer recently appeared in the North Miami News, and I would like to share it with my colleagues:

[From the North Miami News, Feb. 22, 1991]

CITY OF NORTH MIAMI VICE MAYOR HOWARD PREMER

(By James Burke)

City of North Miami Vice Mayor Howard Premer has never been one to take it easy. Starting his professional career as a reporter for WKAT, Premer became the station's news director by age 24; its part-owner by age 31. Today, along with WKAT, Premer owns WSUA, better known as Radio Suave, an all-Spanish radio station.

Owning and running two radio stations by the age of 38 requires someone with an intensity for their work not found in the average person. Premer admits he is an overachiever.

"I need hobbies," Premer said.

Premer has demonstrated this same intensity as an elected official. Rather than use the position as a resume entry, Premer has actively pursued what he thought best for the city. Being vocal has not always made Premer the most popular guy in town, but criticism is something Premer is willing to live with.

"I think it's better to be criticized and be pro-active than to sit back and not come up with new ideas," Premer said.

Among the new ideas Premer has fought for was to allow police officers to bring their vehicles home with them. While this idea initially met with opposition, Premer argued that it would be an incentive to draw officers to the city and help unify the neighborhood the officers live in. Premer won.

Premer has been a strong proponent of improving the city's neighborhoods.

"Neighborhoods are where a city succeeds or fails, not city hall," Premer said.

To help give the neighborhoods a more active voice in city politics. Premer worked to create a program of town hall meetings. The city commission recently gave the program the go ahead.

Town hall meetings are a very important means of getting government out of city hall and back into the neighborhoods," Premer said. "The city needs to get out of city hall and into the neighborhoods to talk to people."

Premer has also succeeded in getting government back into the neighborhoods by working to standardize voting precincts within the city. While there are 16 voting precincts for county elections in North Miami, there were only five precincts for city elections. This discrepancy created confusion about where to vote in city elections, resulting in poor voter turnout.

"We increased the city's precincts to 16," Premer said. "Now for all elections, people vote in the same place."

Premer's work with the neighborhoods has not come at the expense of business. Premer has tried hard to make North Miami more inviting to the business community.

One of Premer's first actions was to create a new position within the city, business ombudsman. Premer explained that the mire of forms and red tape involved with starting a business can be a confusing experience.

"The business ombudsman takes you through the whole process," Premer said. "Now, instead of being frustrated, these people have the red carpet rolled out for them."

Premer has tried to make the city's operations more like a business. One of the practices Premer has been successful in carrying over from the private sector is networking.

"We've been doing more networking with cities, especially North Miami Beach. It's important to get along and look for common ground," Premer said.

These improved relations have resulted in a joint Fourth of July celebration between North Miami and North Miami Beach, among other things.

Relations with Florida International University have also been improved, Premer said, but more should be done.

"F.I.U. may be the single most important asset this city has," Premer said. "We need to do more to promote that."

The accomplishment Premer is most proud of, however, is the progress made on cleaning up Interama. For the first time in the city's history, Premer said, there is a plan to clean up the 300 acre site.

"No one is completely happy with the plan, so there must be something right with it" Premer said.

Premer called the process of getting federal, state, county, city and environmental representatives to sit down and work out a plan a "yeoman's effort", but said it was well worth it in order to forge ahead.

"This will be my legacy," Premer said.

For the city's future, Premer, said that North Miami should concentrate on aggressively attracting more business. Along with having many "hooks", like movie and recording facilities and a major university, the city has just past the 50,000 population mark making it eligible for valuable grants.

"I think in the 90s, North Miami can solicit and receive large businesses," Premer said.

While Premer has gone to lengths to insure North Miami's future, it may be a future without Premer. He said the task of running two businesses, coupled with the challenges he and wife Ilene face in raising their two young children, may no longer leave time for politics.

"The bottom line is community service is very difficult. I hope I've been a good public servant, but I don't know if I'll run again. What I do want to do," Premer said, "is make the most of the time I have left."

## THE DESERT STORM RESERVIST FAMILY FAIRNESS ACT OF 1991

### HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. SIKORSKI. Mr. Speaker, today I am introducing the Desert Storm Reservist Family Fairness Act of 1991. While we are all joyful that the war is over, many of the family related problems raised by the war are not.

Many Reserve families have spent up to 6 months trying to make do with an income cut by 50 percent. Additionally, it has been reported that it could take longer to get all our troops home than it took to transport them to Saudi Arabia. Soldiers and their families could be facing another 6 months of employment uncertainties and financial hardships. Despite some rights accorded to them through the Soldiers' and Sailors' Civil Relief Act, bills and mortgages still need to be paid and clothes and food for the kids must be bought. The legislation I introduced today is intended to partially address those problems.

The Desert Storm Reservist Family Fairness Act is designed to ensure that the men and women in the Reserves and National Guard who have been activated because of the war in the Persian Gulf will be compensated fairly for the time they devoted in service to their country.

As a member of the Post Office and Civil Service Committee and chairman of the Subcommittee on the Civil Service, it has been brought to my attention that 1 out of every 10 National Guard or Reserve unit members is a Government worker. Therefore, I have drafted provisions to ensure that the activated Federal employees will continue to be granted the health benefits, life insurance, and all other benefits of Federal employment while participating in an activated reservist role in Operation Desert Storm.

Additionally, I have included provisions affecting members of the Senior Executive Service who are activated during the Persian Gulf conflict. These provisions extend the deadlines for meeting recertification times and extend Merit Systems Protection Board appeals rights that are required by the Ethics Reform Act of 1989.

Our soldiers have enough to worry about in the Persian Gulf—they should not be concerned about whether there will be food on the table and clothes for their kids they left behind. And the families have enough anxiety about the safety and security of their loved ones serving in the Persian Gulf—they should not have to worry about whether they will survive financially.

Our reservists have made the ultimate sacrifice by putting their lives on the line for our country; we should not ask their families to make the sacrifice of financial ruin.

## ARTICLES OF INTEREST

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. LENT. Mr. Speaker, at the request of a constituent, Mr. J. James Plesser of Hicksville, NY, I am submitting the following two articles for insertion in the CONGRESSIONAL RECORD:

[From the Wall Street Journal, Feb. 15, 1991]

APPEASEMENT OF IRAQ MADE ME A SPY

In 1985, my son Jonathan Pollard pleaded guilty to providing Israel with information about the military capabilities of Arab states, including Iraq. Today he sits in a basement cell, in isolation 23 hours a day, serving a life sentence.

Jonathan was never accused of or indicted for treason, because he did not commit treason. He was indicted on one count—giving information to an ally, Israel. Abdel Kader Helmy, an Egyptian-American rocket scientist, participated in a scheme to illegally ship ballistic missile technology to Egypt—technology later used to help increase the range of Iraq's Scud-B missiles. Mr. Helmy got less than a four year sentence. Jonathan, who warned Israel about Iraq's capabilities, got life.

America is now fighting a war with Iraq, while the one person who tried to warn Israel about Iraqi threats sits in jail. In a 1989 letter excerpted below, Jonathan wrote to an American rabbi from his cell that America would have to go to war against Iraq if we failed to prevent the completion of chemical facilities that we knew were under construction. How right he was.—Morris Pollard.

DEAR RABBI: My name is Jonathan Pollard and I am currently serving a life sentence due to my activities on behalf of Israel.

Lest you labor under a false impression, Rabbi, I want to state quite categorically that I do not consider myself to be above the law. I fully appreciate the fact that I must be punished for my activities, however justified I may have felt them to be. That being said, I do not believe that the draconian sentence meted out to me was in any way commensurate with the crime which I committed. Nowhere in my indictment . . . was I ever described as a "traitor," which is hardly a surprise given the fact that the operation with which I was associated actually served to strengthen America's long-term security interests in the Middle East.

Notwithstanding [then Defense Secretary Caspar] Weinberger's disingenous opinion, any objective examination of the record will show that no American agent, facility or program was compromised as a result of my actions—not one. But this salient fact was conveniently overlooked by Mr. Weinberger, who felt that I deserved the death penalty for having had the audacity to make Israel "too strong."

In retrospect, perhaps one of the worst things the Reagan administration did to Israel during the course of our trial was that it purposely distorted the nature of my activities in such a way so as to leave the impression that Israel had somehow become a threat to the national security of this country. So by intent the subsequent sentence I received was an arrow aimed directly at the heart of the U.S.-Israel "special relationship."

The case of Mr. and Mrs. Abdel Kader Helmy appears to be yet another instance where the political aspects of an espionage trial have been of paramount concern to the government. As you'll recall, the Helmys are the Egyptian-born U.S. citizens who were accused last year of funneling highly sensitive ballistic missile technology to their native land. At the time of his arrest on June 24, 1988, [Mr.] Helmy was a senior propulsion engineer who held a "secret" level security clearance from the U.S. Department of Defense. Accordingly to a 36-page affidavit filed by the Customs Service . . . U.S. customs agents searching [Mr.] Helmy's trash found handwritten notes outlining how to work with carbon-carbon fiber material, used in rocket nose cones and "stealth" aircraft . . .; instructions on building rocket exhaust nozzles; a description on an extremely sensitive microwave telemetry antenna; and a complete package needed to build or upgrade a tactical missile system.

Although there is no public evidence linking [Mr.] Helmy directly with the Iraqis, intelligence sources have indicated that the Egyptians used [Mr.] Helmy's expertise to help Baghdad modify its stockpile of Soviet-supplied Scud-B ballistic rockets. His principal responsibility, however, was to ensure the success of an Egyptian-Iraqi missile program which had encountered some developmental problems. Code named BADR 2000 by the Egyptians and SAAD-16 by the Iraqis, this Argentine-designed weapon has an estimated range of 500-1,000 miles, and, from what I've been told, figures prominently in Arab strategic planning against Israel.

If one compares the way in which the government responded to my affair with that of its soft pedalling of the Helmy case, the existence of a double standard becomes apparent. Firstly, at the insistence of the State and Defense Departments, all espionage-related charges against Mr. and Mrs. Helmy have been quietly dropped . . . [T]he administration has done everything it can to reduce the notoriety of the Helmy affair.

The problem . . . lay in the fact that many of the photos I turned over to the Israelis were of a number of Iraqi chemical weapons manufacturing plants which the Reagan administration did not want to admit existed. Why? Well, if no one knew about these facilities then the State and Defense Departments would have been spared the embarrassing task of confronting Iraq over its violation of the Geneva Protocol of 1925, which banned the use of chemical weapons in war. You have to remember . . . that at the time of my sentencing the massacre of Kurdish civilians in Halabja had not yet occurred, and what little public concern was being voiced over Iraq's apparent use of poison gas was largely ignored by the administration, which did not want to anger the Arab world by criticizing the employment of such barbaric weapons against Iran. The photos I gave Israel, though, if "compromised," would have jeopardized the administration's policy of callous indifference towards this issue, in that they constituted hard, irrefutable proof that Iraq was indeed engaged in the production and wide scale use of chemical weapons. What the administration was really concerned about was being placed in a position where it would have to admit that it had tacitly condoned the creation of an Iraqi chemical weapons manufacturing capability.

Once the atrocity at Halabja had occurred, though, the White House was placed in a rather awkward position. On the one hand, the U.S. intelligence community did not want to be accused of having failed to keep an eye on Iraq's burgeoning chemical weapons arsenal. Then again the CIA . . . could not very well confirm the existence of the

Iraqi poison gas plants without running the risk of compromising the Reagan administration's policy towards these facilities.

After a few days of "soul searching," the State Department finally admitted that the U.S. had intercepted some Iraqi military communications which indicated that lethal gas had, in fact, been employed against unarmed Kurdish civilians. The Iranians had astutely outmaneuvered them, though, and the issue had to be "contained" before it caused a rift in U.S.-Arab relations. Certainly, confirming the undeniable operational employment of chemical munitions by the Iraqis was far preferable to describing the exact dimension of their poison gas plants, which would have raised some uncomfortable questions in Capitol Hill . . .

Thus, in an attempt to recapture the moral "high ground," so to speak, from Iran, the White House evidently decided that it would be better for the U.S. to be seen as leading the public denunciation of Iraq rather than the Ayatollah Khomeini. As it was, though, the administration still managed to salvage its standing in the Arab world by preventing Congress from imposing any punitive sanctions against Iraq. In essence, then, what I did by passing satellite photos of the Iraqi poison gas plants to Israel was endanger the Reagan administration's pro-Saudi political agenda, not the intelligence community's "sources and methods."

According to the prosecution, there were two reasons why the government refused to tell Israel about Iraq's poison gas plants: 1) fear of compromising the KH-11 [intelligence] system, and 2) concern over the Israelis' probable reaction once they recognized the threat these facilities posed to their survival.

What the Israelis would actually have considered was a *preventive* attack on the Iraqi chemical-arms factories before they had become fully operational. Once they had come on-line, you see, and the Iraqis had been able to disperse their arsenal of chemical munitions, these plants, like the ones in Syria, would only have been attacked either in war time, where the idea of a preemptive strike is valid, or in a clandestine sabotage campaign aimed at slowing their production of poisons. This was the same reasoning, by the way, that lay behind the Reagan administration's desire to bomb the Rabta industrial complex before the Libyans had the opportunity to complete its construction.

The crisis over the Rabta plant does beg the question, though: If the Reagan administration felt justified in its desire to eliminate what it perceived to be an impending Libyan chemical threat to our national security, why was it so unwilling to grant Israel the same right of preventive self-defense with regard to Iraq's poison gas manufacturing facilities?

So what was I supposed to do? Let Israel fend for herself? If you think that is what I should have done, then how can we condemn all those . . . who during the Second World War consciously participated in the abandonment of European Jewry? Seriously, Rabbi, what would be the difference between what they did and a decision on my part to have kept silent about the Iraqi poison gas threat to Israel? I'd rather be rotting in prison than sitting shiva for the hundreds of thousands of Israelis who could have died because of my cowardice.

JONATHAN POLLARD.

[From the New York Times Forum, Feb. 17, 1991]

COMPUTERS, AND A SEALED ROOM IN ISRAEL

(By Brian Silver)

[Brian Silver, a professor of chemistry, is vice president and director of development at the Technion-Israel Institute of Technology in Haifa, Israel.]

Tonight I am setting in a sealed room in Haifa, Israel, thinking about the Department of Commerce in Washington. I hope the plastic sheets that cover the windows and the masking tape that seals the door of my room will hold back the as-yet-to-materialize clouds of nerve gas and toxins that Iraq's President Saddam Hussein has promised to send us.

This evening I heard the roar of Patriot missiles followed by a wall-shaking blast as a Scud disintegrated over a nearby wadi. The Scuds are not too accurate—plus or minus a couple of miles is considered fine. Not that the Iraqis lack high technology. They might even have access to a Cray supercomputer, something my university does not have—and why I am now mulling the Commerce Department.

Despite our attempts to purchase one, no Israeli university has a Cray supercomputer, a common resource in American and European universities.

Two years ago, the Technion Institute ordered from Cray Research Inc. a lower-range supercomputer, an extremely fast computer for use in unclassified academic research. The United States has so far refused to give Cray an export license.

In September 1989, in search of enlightenment, I traveled to Washington to find out what was holding up the process. I walked the corridors of power—the State Department, the Department of Defense, the Department of Commerce and finally the Pentagon. Everyone, I must say, was very nice.

"Can the Technion buy a Cray?" I would ask. No one said, "Yes." No one said, "No."

One exchange at the Department of Commerce stands out in my mind: I said to a senior official that I could explain why it would not be a danger to the United States if Technion owned a Cray. "Can you give me 10 minutes?" I asked.

"That's the time it takes for a Jericho missile to get from Israel to Baghdad," the senior official said, referring to a surface-to-surface missile designed and built in Israel.

Perhaps it is. But only now can I savor the full answer I gave: "The return journey takes about the same time." The content of this conversation was significant, and becomes more so with each Scud attack.

I am not sure that I can estimate what mixture of political and technological considerations lie behind America's refusal to sell Israel a technology that is advanced—but not that advanced. My overall impression is of a rambling bureaucracy in which the decision-making process has—either deliberately or mistakenly—become divorced from the real world.

After all, the international community was prepared to create a $50 billion Iraqi war machine. But a lower-range Cray for Israel? Heaven forbid! That might be a threat to world peace.

The subliminal message I received in Washington was that someone in Israel—sometime—could tap into a Cray and design a doomsday weapon, or, at the very least, a more accurate guided missile. And all this with a computer only three or four times more powerful than the one we have on our campus.

Until recently, only the United States and Japan built supercomputers, and they have had a very cozy agreement: If the United States doesn't sell to a given country, neither does Japan.

But this duopoly is coming apart. A new kind of computer is taking over. While a Cray has just a few very complicated and very powerful central processing units, the newer computers, called parallel-processing computers, have as many as a thousand very simple processors. The Cray is difficult to construct, the parallel-processing computer is far easier. The idea behind parallel machines is that seven 70-pound weaklings can lift more than one Arnold Schwarzenegger.

Parallel-processing technology is already being used by companies around the world. The main difficulties involved in building these computers fall within the areas of computer science where Technion has real expertise. Some of the world's best minds working on these problems work at Technion. The nation that got a rescue force to Entebbe and back can build parallel computers as good as any—if it has to.

Israel doesn't need a supercomputer at Technion to defend itself. Nor would owning a supercomputer turn Israel into a superpower. We want a supercomputer for unclassified research. The atomic bomb that leveled Hiroshima was built in precomputer times. If we have a nuclear bomb, we built it without a supercomputer. If we haven't got one, we don't need a supercomputer to make one.

It has been suggested by a certain authority in the United States—a Senator—that we could make more accurate missiles if we had a Cray. Indeed, would they be more accurate than the ones we used 10 years ago to destroy an Iraqi nuclear reactor? Or is it ground-to-ground missiles that worry the Senator? He should come to Tel Aviv. Then I can tell him that if a hundred Scuds land there, their inaccuracy won't matter one bit.

The time is long overdue for the United States to review its policy regarding the export of technology, especially to friendly, technologically advanced countries like Israel. The restrictive policies are clearly the product of faulty thinking which in the case of the Cray may well push Israel—and some other countries—into building their own supercomputers. The policy is not only bad for Israel, it is bad for the United States.

Finally, a question which to some may seem irrelevant, but to me, wearing my gas mask, sitting in my sealed room, seems worth an answer: Which country in the Middle East has turned out to be the United States' best friend in the Gulf crisis? Who exactly, is threatening whom?

## A TRIBUTE TO DOUGLAS H. DITTRICK

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mrs. ROUKEMA. Mr. Speaker, Saturday, March 2, 1991, the friends and supporters of the Northwest Bergen/Ramapo Valley Chapter, the Essex Chapter, and the Central Bergen Chapter of the American Red Cross will pause to salute the volunteers that have built these chapters into the effective organizations that they are today. I would like to call to the attention of my colleagues one of these honorees, Douglas H. Dittrick.

Doug Dittrick has distinguished himself as a pioneer in his 25 years in the cable television industry. From his beginnings in 1966 as a manager of operations for General Electric Cablevision, Doug has excelled and advanced to become president and chief executive officer of Douglas Communications Corp., a company which he founded and which currently manages 3 cable systems that serve close to 76,000 subscribers. Doug has been recognized as a pioneer in his industry and is the recipient of numerous awards toward that end. However, he has always found time for both his family and his community.

Doug will be recognized this week for his service on the board of the Northwest Bergen/Ramapo Valley Chapter of the American Red Cross. He has previously served as treasurer of the executive board of Northern New Jersey. That, in itself, Mr. Speaker, is an accomplishment. However, Doug continues to find time for other endeavors. He has served on the executive board of the Ridgewood/Glen Rock Council of Boy Scouts from 1979 to 1982, receiving the "Good Scout of the Year" award in 1984. Doug also remains active in alumni activities as the president of the Ohio Wesleyan Alumni Association from where he was graduated in 1955.

Doug is a resident of my hometown of Ridgewood, NJ, and it is through our common service on the board of education and the board of trustees of the Family Counseling Services, as well as a personal friendship, that I have come to know and admire Doug, his wife Barbara, and their three daughters.

Mr. Speaker, success comes in many ways. But it is sweetest when it comes with the approval, the applause, and the rewards freely given by one's peers. And that is why the supporters of the Red Cross in northern New Jersey will gather this week to recognize Doug Dittrick. I ask my colleagues in the House to join in that recognition.

## LONG-TERM CARE INSURANCE PLAN FROM IRA FUNDS

### HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. ROWLAND. Mr. Speaker, today I am reintroducing legislation to allow individuals 59½ years of age and older to withdraw funds from individual retirement accounts, tax free, if the funds are applied to the purchase of long-term care insurance.

The measure includes income limitations to provide the maximum benefit to persons with incomes under $45,000 a year and to phase out the tax benefit to anyone making more than $100,000.

It also includes provisions to develop minimum standards for long-term care policies.

Mr. Speaker, this legislation is not the entire answer to the problem of providing long-term care to our older citizens who do not have the means to pay for it. But it is a step in the right direction. The financial burden for placing a family member in a nursing home can be devastating for elderly persons and their families. This bill will encourage many citizens to prepare for the day when they will need such care.

## THE INAUGURAL EDITION OF "VITAL ISSUES: THE JOURNAL OF AFRICAN-AMERICAN SPEECHES"

### HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 28, 1991*

Mr. GRAY. Mr. Speaker, I would like to call to the attention of this body the publication of the inaugural edition of "Vital Issues: The Journal of African-American Speeches," which will be issued today by the Bethune DuBois fund and Bethune DuBois Publications. The Bethune DuBois fund was established in 1986 by C. DeLores Tucker, former secretary of state of the Commonwealth of Pennsylvania who now serves as the fund's president.

This is the first journal of its type whose sole mission is preserving the oratorical record of African-Americans. Included in the inaugural edition are speeches by: Bishop John Hurst Adams, founder and chairman emeritus of the Congress of National Black Churches; Julian Bond, former State senator and professor of Civil Rights History; Ronald H. Brown, chairman, Democratic National Committee; Dr. Johnetta A. Cole, president of Spelman College; Marva N. Collins, founder of West Side Preparatory School in Chicago; Ronald V. Dellums, House of Representatives CA 8th Congressional District; Hon. David N. Dinkins, mayor of New York; Dr. Ramona H. Edelin, president of the National Urban Coalition; Dr. Marian Wright Edelman, president, Children's Defense Fund; Earl G. Graves, publisher, Black Enterprise magazine; Dr. Benjamin Hooks, executive director, NAACP; Rev. Jesse L. Jackson, president and founder, the Rainbow Coalition and PUSH; John E. Jacob, president, National Urban League; Coretta Scott King, president, Martin Luther King, Jr. Center for Nonviolent Social Change; Leon Lynch, vice president, United Steelworkers of America; Nelson Mandela, deputy chairman, African National Congress; Gen. Colin L. Powell, Chairman, Joint Chiefs of Staff; Dr. Louis W. Sullivan, U.S. Secretary of Health and Human Services, and Hon. L. Douglas Wilder, Governor, Commonwealth of Virginia.

The objective of the journal, "Vital Issues: The Journal of African-American Speeches," is to present major speeches of African-American professional leaders and to preserve their spirit and voices for all generations to come. This publication will be a valuable resource for research and history of the issues that were confronted and perspectives taken by our leaders at the forefront of social change.

Please join me in paying tribute to this extraordinary new publication.