SENATE—*Thursday, March 7, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we honor the Lord of Lords and King of Kings, the Chaplain will lead the Senate in prayer.

PRAYER

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

Let us pray:

*Blessed are the poor in spirit: for theirs is the kingdom of heaven. * * * Blessed are the meek: for they shall inherit the earth. Blessed are they which do hunger and thirst after righteousness: for they shall be filled.*—Matthew 5:3,5,6.

Gracious Father in Heaven, these simple, familiar words sound so irrelevant in our secular culture and in a place of power and prestige like this. But their opposites help us to see their wisdom in the context of a just and equitable social order.

Arrogance, the opposite of poor in spirit, pride, the opposite of meekness, evil, the opposite of righteousness, certainly are not desirable. We thank Thee for this simple formula for a blessed life or a happy life. Grant that those who are powerful, laboring in an environment of power, may see themselves in the light of this simple truth. Help us to remember that leaders are first of all servants who ought to be dedicated to a life of service. May the atmosphere in which we labor daily be that of service and servanthood, never forgetting our mandate from the people.

We pray in His name who was the Servant of servants. Amen.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. Under the previous order, the leadership time has been reserved. There will be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak therein. The time between this moment and 10:30 a.m. is to be under the control of the minority leader or his designee, and the time between 10:30 a.m. and 11:30 a.m. is to be under the control of the majority leader or his designee.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to be designated as the representative for the minority leader.

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

GULF SALUTE

Mr. DOLE. Mr. President, President Bush said it best last night. "We're coming home now. Proud. Confident. Heads held high."

There are, indeed, many men and women who can hold their heads high for the role they played in the great success of Operation Desert Storm.

First, of course, there's the President. Time and again during the gulf crisis, President Bush was called upon to make some of the toughest calls of our times. And at every turn, he made the right call. There is no doubt that the President has more than earned the thunderous ovation given him by Congress, the American people, and the world community.

And no President has ever been better served by the leadership of America's military. Defense Secretary Cheney, General Powell, and General Schwarzkopf have justifiably received the most attention, but they'll be the first to tell you that they couldn't have done it without countless other commanders, generals, and admirals.

As General Powell said the other day:

> It was a textbook joint operation. No service parochialism. No logrolling. Each service doing what it does best to ensure victory. It was a great team effort.

And we will always remember that a great part of that team were the coalition members of Operation Desert Storm. They, too, can return to their homelands with their heads held high.

There are so many others who should share the spotlight for this victory—the men and women on the assembly lines where our weapons were made, President Reagan, who rescued both the military's budget and their sense of pride, the families of our soldiers, who waited out the war with courage and pride.

But there are two groups who I believe deserve the biggest round of applause from the American people.

And the first group the American people can thank is themselves. Before the war started, pundits and pessimists predicted that the war would tear America apart. Instead, it brought us together. In the past few weeks, you could see them in Kansas and across America—yellow ribbons, American flags, signs, and banners. All offering silent testimony that Americans were behind their soldiers, and behind their President.

And, Mr. President, I've saved the best for last—the men and women who left their homes, their families, and America's shores, to take part in Operation Desert Storm.

During World War II, someone once asked Gen. George Marshall if the United States had a secret weapon, and if so, what was it? And General Marshall replied that "our secret weapon is just the best blankety-blank kids in the world."

Operation Desert Storm made it crystal clear that we've still got that secret weapon. The kids came from the plains of Kansas and the streets of Brooklyn. They spoke with a western twang and a southern drawl. They came from every ethnic and racial background. And they prevailed. And they, more than anyone else, have the right to return proud, confident, and with their heads held high.

RECOGNITION OF SENATOR WARNER

Mr. NICKLES. Mr. President, I wish to recognize my friend and colleague, Senator WARNER, from Virginia, for 8 minutes.

Mr. WARNER. I thank the distinguished acting Republican leader.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. WARNER] is recognized for not to exceed 8 minutes.

APPRECIATION OF PRESIDENT PRO TEMPORE

Mr. WARNER. Mr. President, I wish to acknowledge my special appreciation to the President pro tempore, the Presiding Officer, who has set precedent in many respects, in many ways, in this institution. Not the least of these precedents is the opening of the Senate on each of its days in session. That could be burdensome, but I am sure the President pro tempore looks upon that as a privilege.

SUCCESS OF OPERATION DESERT STORM

Mr. WARNER. Mr. President, I rise today to join with a number of my Republican colleagues to pay tribute to those responsible for the overwhelming success of Operation Desert Shield and Operation Desert Storm. I do so with a great, deep sense of humility.

Last night in the joint session of the Congress of the United States, our President came before and addressed the Congress and the American people.

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

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It was his night. Each of us was prepared for him to take, with his usual humility, his rightful place as the leader of this epochal period of America's history and world history.

But it was clear after his opening remarks, that this was a night the President wanted to reserve, not for himself, but for those who had borne the brunt of war, for those who gave their lives, for those who suffered the injuries, and for their families and loved ones here at home.

As a former military person and a modest student of military history, I had many thoughts last night as the Chamber rose more than 20 times in standing ovations in tribute to our President and to those our President designated as equal partners, the men and women of the Armed Forces. I thought of the military actions that took place and how the closing days of this battle involved the heavy mechanized equipment, the tanks. I thought that in all likelihood Generals Patton and Montgomery were looking down and saying to themselves that this was the finest hour of a successive generation.

In my research I found a quote by Gen. George Patton, a man not known for his modesty, but a man recognized for his leadership. General Patton said:

> Wars may be fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gains the victory.

Were General Patton alive today, he most assuredly would have included the women who were side-by-side with the men in this military action.

In the last 7 months, we have seen the American spirit at its best, both from those who lead and those who follow. As is the case in every historic undertaking, there are those who because of their wisdom, courage and steadfastness merit our very special recognition. In this case, all Americans are grateful we have as our President today, as our Commander in Chief, George Bush.

Mr. President, our President and Commander in Chief has taken his rightful place in history beside those who are chronicled as our finest Presidents. At each step, he has been both wise and courageous. From his immediate and unwavering reaction to the Iraqi invasion of August; to his policy of working through the United Nations to coalesce world opinion; to his decision to commit adequate military forces to this endeavor; to his steadfast refusal to accept no less than our clearly stated policy objectives as an outcome; to his willingness to hear the voices of the American people through its Congress; to his decision to use military force when all other acceptable options were no longer viable; to his compassion, his feeling as a former service person himself, for those who must bear the brunt of the coming battle, and his love and sensitivity to their families and loved ones here at home; to his understanding that the execution of military operations is best left not to the politicians but to the field commanders, those who have trained throughout their lifetime as military professionals; to his commitment to end hostilities when our clearly stated objectives have been obtained; and, to his continued commitment to ensuring this conflict be fully exploited in an attempt to bring about peace and stability to a long troubled region of this world; at each step history has shown him to be right.

Our President—I repeat, our President has shown leadership and mature judgment at every decision point in this epochal chapter of history.

This President, likewise, has set a precedent with the Congress of the United States. No other President in a time of crisis has consulted more with Members of this Congress than President George Bush. Time after time, at his invitation—not at our insistence, but at his invitation—the leadership of this institution went to the White House, and there the President listened. He listened carefully to the collective advice, to the diversity of opinion, to that strength of our democratic system—the diversity of opinion—and took our advice into consideration as he proceeded in his decisionmaking. For this he, too, deserves our thanks and gratitude.

There were those who could not believe the President would risk his Presidency over a small piece of ground on the sands of the Arabian Peninsula. The President may well have risked his Presidency, but for far more important reasons. His Presidency stands for the rule of law, for the role of the United States as a leader in the new world order, for the justness of our cause against a brutal dictator's unjustified use of force against a small neighbor, for the protection of the interests of our Nation and those of our allies, and for peace and stability in the Middle East. We thank the President for taking that risk and for ensuring that the United States prevailed.

Secretary of Defense Dick Cheney and Secretary of State Jim Baker are also due our gratitude. In their respective roles, they showed themselves to be thoughtful, patient men upon whom the President and the Nation could depend. We thank them for the roles they played and for their continuing contributions to our national well-being.

Gen. Colin Powell, the Chairman of the Joint Chiefs of Staff, and Gen. Norman Schwarzkopf, the commander in chief of the U.S. Central Command have strengthened our Nation's trust, admiration and confidence in the Armed Forces of the United States. They have shown the American people that our military is led by competent, caring, and compassionate leaders. They have shown that we have a military, from generals down to lance corporals and privates who are willing to fight, not for glory, but for freedom. I hope that Congress will act favorably on the two pending bills authorizing the presentation to Generals Powell and Schwarzkopf of Congressional Gold Medals, medals which the Nation would present to them, but which they would receive, not only for themselves, but for each and every man and woman in uniform under their command.

Mr. President, I am thankful that we have these great civilian and military leaders. But, at the same time, we must remember that our leaders had at their disposal some of the world's best technology. That technology is the direct and tangible result of the dollars American taxpayers have committed to rebuilding our military over the last decade.

Just 2 weeks ago, I had the opportunity to tour the Persian Gulf region and talk to American soldiers, sailors, airmen, and marines who were being asked to place their lives on the line. I had an opportunity to talk to the pilots of the Stealth fighter-bomber, the 117-A, who were asked to fly directly over Baghdad the first night of the war. They know the value of our technology. Our troops know that our modern technology saved many of their lives, saved the lives of innocent civilians, and may well have saved lives of some Iraqi military personnel by bringing about an early, decisive end to the war.

But in the end, Mr. President, even with outstanding leadership and the best technology in the world, it all comes down to individual men and women working together. From the military forces—officer and enlisted, men and women—arrayed on the front; to those over the skies of Kuwait and Iraq; to the sailors and marines afloat in the Persian Gulf; to the forces at the support bases in the Persian Gulf and Europe; to the forces here in the United States providing logistics, training, and support; to our defense civilian employees here and overseas; to our contract employees; and to the employees of our defense industries. We say to you that each of you is an American hero. You have my thanks and gratitude and that of our Nation.

Mr. President, there are many lessons to be learned from Operation Desert Storm—lessons which, in some cases, may take years to digest and accommodate into our military doctrine and force structure. But, Mr. President, there is one lesson which came through loud and clear—and for which we need no more time to reach a decision. That lesson is that we should never send our men and women in uniform into a hostile situation without providing, or at the very least trying to provide, them with the very best possible defense from ballistic mis-

siles—a defense not shackled by some of the outdated and outmoded constraints of the ABM Treaty of 1972.

Mr. President, the sight of our military personnel in Saudi Arabia and the innocent civilian population of Israel coming under attack by the Scud, not a military weapon, but a lowly, cowardly instrument of terrorism, has convinced me that neither we nor our allies can wait any longer to begin to develop and test the most modern and effective defense systems against ballistic missiles.

In this historic Persian Gulf operation, our air elements employed every known tactic, with considerable success, to detect and destroy the illusive mobile Scud and its launchers. But we cannot continue to rely solely on interdiction alone. We cannot continue to rely upon destroying missile launchers only after their missiles have been fired. We must develop a defense capable of destroying missiles early in their flight.

The world is thankful that we had the Patriot, an example of what Americans can do. But Mr. President, the Patriot can be no match for the more advanced ballistic missiles proliferating throughout the world. The Patriot was able to provide us some defense against the crude 1950's technology of the Scud, but no longer can we limit ourselves to outdated defensive technology. We must unleash the American genius to develop more advanced defenses.

For these reasons, I have introduced, along with seven of my colleagues on the Armed Services Committee, a bill, S. 564, the Missile Defense Act of 1991, directing the Secretary of Defense to undertake the immediate development and testing of systems designed to defend the United States and its forces from ballistic missiles.

Mr. President, there comes a time when the American people must be given an equal opportunity to participate, to speak through its Congress about the need to defend our land, and our forces abroad, even though we may be now negotiating that very issue with the Soviet Union. Those negotiations appear to be stalled; let the American people not be likewise stalled. The time to act is now.

I believe the American people now want our National Government to move forward and determine if we can build effective defenses against ballistic missiles. A subsequent Congress can decide the issue of what defenses should be deployed, an issue which would remain under the limitations of the ABM Treaty. No longer are the American people willing to wait for the Soviet Union to decide whether or not we can proceed to determine the full range of our capabilities to defend ourselves. The American people do not want to again see missiles rain down on our near-defenseless forces and our allies. This is no longer just a United States and Soviet issue. It is time to unleash the American mind and American technology to ensure that we never lose another life because we refuse to explore every opportunity to defend ourselves. I ask my colleagues to join in this effort.

Mr. President, in closing, let me say a final word of thanks to the families and loved ones of those who serve this Nation in uniform. We have had an opportunity to learn of the courage and dedication of those who remain behind. We now better understand the nature of our military personnel and their families.

Now, let us join together to welcome home our soldiers, sailors, airmen, and marines with the biggest celebrations this Nation has seen since 1945.

The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized for 5 minutes.

GEORGE BUSH DESERVES A LOT OF ACCOLADES

Mr. NICKLES. I wish to thank my friend and colleague, Senator WARNER from Virginia, for his speech this morning, but also for his leadership on this issue. I had the pleasure of traveling with Senator WARNER and Senator DOLE to the Persian Gulf in August when the deployment of troops had just begun.

Mr. President, I also wish to congratulate and compliment the President of the United States for his address to the Nation last night. The President rightfully congratulated the men and women in the Armed Forces and the leadership in the Armed Forces. But I felt he was rather modest in complimenting himself as Commander in Chief, because he did an outstanding job.

I appreciate the Speaker's compliment of the President for the outstanding work he has done. I also wish to thank Ronald Reagan for his contributions in rebuilding the defense of our country.

Mr. President, the Commander in Chief, George Bush, deserves a lot of accolades. It was his leadership that built the international coalition, a coalition of up to 30 countries that actually participated in repelling the aggression of Saddam Hussein and the Iraqi Army.

It was George Bush and his leadership team that built the coalition in the United Nations that passed 12 resolutions and actually enforced those resolutions—unprecedented in U.N. history. It was George Bush and his leadership team that was able to get the Soviet Union and the People's Republic of China not to veto the United Nations resolutions, and maybe even more important, not to be our adversary's arms supplier. They were successful in keeping the Soviet Union and the People's Republic of China from supplying Iraq with arms, which they have done in the past.

Certainly, if we look at past wars we have been involved with in Korea, and also in Vietnam, we find that the Soviet Union and the People's Republic of China were the primary arms suppliers to our adversaries.

I think the President deserves great accolades for his outstanding leadership. He was successful in passing through the United Nations a resolution authorizing the use of force to repel the Iraqi aggression. He was successful in passing through both Houses of Congress an authorization for the use of force.

But that was easier said than done. It was not easy. We had opposition from, basically, almost all the Democratic leadership. In the vote on January 12, 82 percent of the Democrats voted against authorizing the use of force to enforce the U.N. resolutions; 98 percent of the Republicans in the Senate voted in favor of the resolution.

Many in the Senate at that time said, well, let us give sanctions a chance. Mr. President, if we had given sanctions a chance, they would not have worked. As a matter of fact, if we had continued with sanctions, the crisis would be continuing today.

If we had continued with sanctions, Saddam Hussein would still be threatening to unleash Scud missiles to terrorize civilians in Israel, and innocents in Saudi Arabia.

If we had continued with sanctions, we would have greatly undercut the United Nations, and the coalition which the President built could have begun to crumble.

Mr. President, if we had continued the sanctions, in my opinion, it would have been a great victory for Saddam Hussein, and he certainly would still be in Kuwait today, still pillaging, murdering, plundering, and raping innocent civilians. And if we had continued with sanctions, American men and women would not be coming home victorious today.

I wish to compliment the Democrats in the Senate who did support this resolution, because without their support we would not have achieved the 52 votes. I also wish to compliment the President for his wisdom in allowing the military leaders to lead and run the war.

In previous wars, whether we are talking about Vietnam and Korea or other episodes, other Presidents became too involved with micromanaging the military. This President allowed General Schwarzkopf, Secretary Cheney, and the Chairman of the Joint Chiefs, Colin Powell, to run the war, and they did an outstanding job.

I also wish to congratulate the President and Secretary Baker for persuading our allies to pick up the bulk of the cost, the majority of the cost. I think

that is an enormous accomplishment, and I compliment them for it.

If we add this allied effort up, it has been a remarkable success. It did liberate Kuwait. It did repel the naked aggression of Saddam Hussein. It did eliminate his military arsenal and his ability to wreak havoc among his neighbors—

Mr. President, I yield myself 1 additional minute.

The PRESIDENT pro tempore. The Senator is recognized for 1 additional minute.

Mr. NICKLES. Because of this leadership of the President, George Bush, and the team he put together, we successfully repelled aggression; we defeated the aggressor; and we rebuilt pride and patriotism throughout this country. We have eliminated the so-called Vietnam syndrome, where a lot of people thought that we were not the world leaders we used to be at the conclusion of World War II. I think we have established the pride, the patriotism, and the successful can do nature of Americans.

I am very proud to call myself an American. I am very proud of our Commander in Chief, George Bush.

Mr. President, I yield the Senator from Wyoming 5 minutes.

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WALLOP] is recognized for 5 minutes.

VICTORY IN THE GULF

Mr. WALLOP. Mr. President, I thank the Chair, and I thank the Senator from Oklahoma.

Mr. President, I, to, want to add my voice to those who praise the President for his speech last night. But in particular, I want to add my voice to his in praise of the men and women who served this country so well, whose judgments were so profoundly correct, and whose courage and discipline and humanity made a very trying episode in our history one in which all Americans, regardless of where they were on January 11, are rightfully and correctly proud.

I would also say that in any speech that any of us make about who did or did not vote in favor of the President, it is really never a question of patriotism. It should not be, and it is not, so far as this Senator or any of my friends are concerned. But it is, and legitimately is, a question about judgment.

Had the vote been 80-20, or some such figure like that, it would never, probably, have risen to a level of politics. But when some have said that we should resist politics in this moment, I would suggest to them that politics do exist, they should exist, and that they are the heart of democracy.

And I would also suggest that it was not the Republicans who first entered politics into this debate. I suggest it was the majority leader himself who, on January 12, made the following statement:

> Those Senators who vote for the resolution are voting to authorize war immediately. * * * I understand the argument of those who support that resolution, that they hope its passage prevents war. But the reality is that if that hope is not realized, if immediate war does occur, passage of that resolution will have been an essential prerequisite for that war under our Constitution and democratic system.
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> The essence of democracy is accountability and if immediate war occurs, that resolution and those who voted for it must share that accountability.

Now presumably if that were the case, the reverse is also true—that those who voted against it must share that accountability. It is a question, Mr. President, not of patriotism, but of judgment.

I think, for example, that it is quite interesting that of those on the Intelligence Committee or those on the Armed Services Committee, all but two Democrats, Senators SHELBY and GORE, voted against this resolution. These are the people, more than any other Senators, who should have had the foresight to have made a correct decision. Accountability is a perfectly legitimate political dialog in the arena of American politics and it should not be usurped by those who voted in either direction.

But one of the things that has been interesting is that, as this debate has been waged, we continue to hear such things as, "I was always for the use of force, just not at that moment in time." The problem with that argument, Mr. President, is that the moment in time of which they would have been for the use of force has never been clear and was never made clear in advance. Those who called for letting sanctions work were never willing to detail under what circumstances they would have declared the success or failure of sanctions.

What were the benchmarks to be passed or to have failed to have been reached before the use of force would have been declared necessary? Were the benchmarks, benchmarks of time? Were they benchmarks of events? Were they benchmarks of further cruelty? Were they benchmarks of further threat to the region? It was clear that this was a slogan to avoid responsibility, to avoid coming to moments of decision. That is all right. It is every Senator's privilege to exercise his personal right and view. The personal rights and views of plainly passivist people, such as the Senator from Oregon, have been consistent throughout time, and it was not he who said let the sanctions work.

There is no doubt in this Senator's mind that had the war gone differently, the Democrats would have been quick to point fingers and say, "we told you so."

Mr. President, I am sure that all of us remember the theme following the debate that led to Congress' authorization of the use of force. It went something like this: While certain Members of Congress did not support the war in the gulf, they supported the troops. They appeared to be influenced by the antiwar protestors in the streets who claimed, "No blood for oil." But this conflict was not just about oil, but about power and, in this instance, an evil manifestation of power.

I remember their long speeches detailing the new orders of body bags from U.S. factories, the huge numbers of body bags we would see returning from the gulf, the carnage, the unbearable length of the fighting and the inordinate number of casualties. One Member from the other side of the aisle went so far as to predict that "The war will be brutal and costly. It will take weeks, even months and will quickly turn from an air war into a ground war with thousands perhaps even tens of thousands of American casualties."

And finally, we heard Members of this body wax ad infinitum on the unjust cause for which Americans were being forced to put their lives on the line. And after all this talk, Mr. President, they again made sure to emphasize that, all their criticism notwithstanding, they supported our troops.

Their reasoning holds no water. They cannot have it both ways—to say, on the one hand, they supported the troops, but, on the other, did not support what those troops were doing in the gulf. Mr. President, it is the job of our Armed Forces stand ready to defend the Nation and the interests of this Nation. Our military is not a sinister monolith that has brought young men and women under its purview by force. Our Armed Forces are made up of individuals, each of whom by his or her own conscience, has enrolled him or herself to the service and defense of the Nation. If then, one concedes that the job of our Armed Forces is to defend, and if one concedes that our All-Volunteer Force is made up of able-minded as well as able-bodied men and women, then one cannot say that he supports those men and women, but does not support what they, in good conscience, have signed up to do. It just does not make sense.

An integral part of the argument put forth by some Members of Congress and people like Jesse Jackson is the supposed disproportionate representation of black men and women in our military. They argue that these men and women are in the Armed Forces because they have no other choice—no comparable paying job was available in the civilian sector. While they joined for the pay and benefits—having no other option, of course—they were shocked to find out that the possibility of fighting a war was part of the bargain.

These protestors and Members of Congress conclude then that they are showing compassion for these military

members who fought not for reasons of pride or patriotism, but simply because society forced them to.

But this kind of logic is neither supportive nor compassionate—it is patronizing and demeaning. To contest that they can support our troops—because they did not actively choose the military and by association what the military stands for—implies strongly that these men and women, for lack of a better word, are a bunch of losers. What an arrogant outrage. It is tantamount to saying that we should feel pity for these poor misguided souls who did not know what they were getting themselves into. Such condescendence insults the excellence of America's military. Why else would U.S. military personnel react so negatively to the protest movement in the first place—no matter how the protestors tried to sugarcoat their protest, it was a demeaning put down to our troops.

If the support that the protestors felt for the troops was real and not just an attempt to curry favor or avoid criticism, then the protestors would acknowledge that the troops are risking their lives to execute a difficult job that America's civilian and political leaders agreed must be done—a choice supported by about 90 percent of the American people.

Several weeks ago, Jesse Jackson, issuing a similar preemptive strike before launching a highly rhetorical attack on the gulf war in a speech to a group of Democrats said, "How can it be that those of us who want to bring them home safe and walking in their shoes and not in body bags support them less than those who do?" Such attack is not only unsubstantiated—everyone wants to see as little loss of American lives as possible. But those of us who saw a principle worth defending who believed that Saddam Hussein must be opposed, believe that this Nation should offer a sense of valor to those who were willing and able to go forward in that fight. Efforts to further one's own personal or political agenda require a mere fraction of the courage that it takes to stand tall, to wave our flag proudly, to respond assertively when our values and interests are threatened. Our Armed Forces displayed this steadfastness and resolve when the stakes where the highest, we at home should strive not to sit safely on the fence should something go asunder, but should strive to be worthy of half their courage.

Mr. President, I ask unanimous consent to print in the RECORD a column by David Border from the March 6 Washington Post.

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

THINK AGAIN, DEMOCRATS

(By David S. Broder)

The Democrats reacted with understanding anger last week when Sen. Phil Gramm (R-Texas), the chairman of the Republican Senatorial Campaign Committee, charged that their votes in January against authorizing the use of force in the Persian Gulf "showed the nation once again that Democrats cannot be trusted to define the destiny of America."

Rep. Vic Fazio (D-Calif.), the chairman of the Democratic Congressional Campaign Committee, predicted there would be "a backlash" against Gramm's effort "to wring partisan advantage out of an issue which was debated with great conscientiousness. . . ."

But Gramm was not impressed. "Saying it was 'a matter of conscience,'" he told me, "just makes it more important in judging where Democrats would lead the country. On the most important foreign policy vote in years, the entire leadership and the vast majority of the membership on the Democratic side voted to deny the president his request for authority to use force against Saddam Hussein. That is something they have to explain."

Gramm has a point. The Democratic opposition to this war was deep and passionate. It was rooted in conscience and in conviction. It was not simply political. In the week of the congressional vote last January, a Washington Post-ABC News Poll showed 63 percent of those interviewed favored going to war with Iraq once the Jan. 15 deadline for withdrawal from Kuwait had passed, and 68 percent wanted Congress "more actively supporting" President Bush's policy, against 20 percent who wanted it to show more opposition.

Nonetheless, even in the face of public opinion and the president's request, 45 of 55 Democratic senators voted against the use of force, as did 179 of 265 Democrats in the House. So much has happened since that Jan. 13 vote that we forget the passion with which the anti-war position was argued.

Senate Majority Leader George Mitchell (D-Maine) for example, saw nothing but risks—"spending billions of dollars; a greatly disrupted oil supply and oil price increases; a war widened to include Israel, Turkey or other allies; the long-term American occupation of Iraq; increased instability in the Persian Gulf region; long-standing Arab enmity against the United States; a return to isolationism at home. All of those risks are there."

Those were not idle words, any more than this was a routine vote. Constitutents will ultimately judge for themselves the weight they give to this particular vote against all the rest of their representative's or senator's service. But there are at least two good reasons why the Democrats need to revisit this issue now, rather than sweep it under the rug or try to shift the focus immediately to domestic policy, as so many of them are doing.

The first reason has to do with their credibility and their capacity to govern. It is historical fact—not partisan rhetoric—that the Vietnam War sundered the Democratic Party and rendered it incapable of governing for close to 20 years. It drove Lyndon Johnson from the White House in 1968 and so divided the party that—with one exception—no Democrat since has been able to win the presidency. Jimmy Carter, their only winner in a quarter-century, was an Annapolis graduate and former Navy office from the pro-defense state of Georgia, who had personally supported the Vietnam War. But he added to the Democrats' reputation for weakness by his inability to end the Iranian hostage crisis.

Five years ago, many Democrats recognized the need to come to terms with the legacy of Vietnam. Leading congressional figures—notably Sens. Sam Nunn (D-Ga.) and Lloyd Bentsen (D-Texas) and Rep. Dick Gephardt (D-Mo.)—formed the Democratic Leadership as a voice for Democrats who favored a strong defense and an active U.S. involvement in the world.

But in the Gulf crisis, those Democratic leaders—and many others—opposed the president when he said the time had come to use force. At a minimum, those in that camp—and they include the top leaders of the Senate and the House—need to reexamine their own thinkings and explain to the public what they have learned from the war.

They can be led in that reevaluation by those whose judgment has been vindicated—by the chairmen of the House Foreign Affairs and Armed Services committees, Reps. Dante Fascell (D-Fla.) and Les Aspin (D-Wis.) and by such Senators as Albert Gore (D-Tenn.), Bob Graham (D-Fla.) and Charles Robb (D-Va.). It may be that they grasp some things their colleagues need to understand.

The second—and more important—reason Democrats need that kind of public exercise is that the nation faces terribly important decisions between now and the 1992 election on its role in what Bush calls the "New World Order." And that debate should not be left to Republicans alone.

The concerns many Democrats expressed in the Gulf debate may have been misplaced, but they are relevant to other situations in other parts of the world. The question of whether, when and how the United States should intervene remains a critical decision. The Democrats were wrong on the Gulf. They need to think again—and then rejoin the national debate.

Mr. NICKLES. Mr. President, I yield the Senator from New Hampshire [Mr. SMITH] 5 minutes.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. SMITH] is recognized for 5 minutes.

THE WAR IN THE PERSIAN GULF

Mr. SMITH. I thank the Senator from Oklahoma for yielding. Mr. President, the victory in the Persian Gulf is particularly gratifying because, by some accounts, this was a war which could not be won, fought with weapons which would never work.

The pundits were wrong. As recently as February 14, Ellen Goodman was bemoaning in the Boston Globe:

The public fear and abhorrence of a ground war in which vast numbers of American soldiers could die.

On the same page, Globe columnist David Nyhand intoned:

The world cannot live in any normal fruitful pattern till this dreadful war is over. Who can celebrate Valentine's Day with this going on? Is Kuwait worth this? * * * [President Bush] has got to be persuaded to stop it—sooner rather than later.

On the opposite page, the Globe was calling for a curtailment of bombing, arguing that "with a patient siege, the dreaded invasion of Kuwait, likely to be so costly to soldiers on both sides, need never take place."

These armchair antigenerals, who have spent such a considerable portion of their careers berating the military, were simply wrong. The inaccuracy of their statements can hardly be made

more palatable by the sanctimony with which they were pronounced.

While any American death is a tragedy, particularly to the friends and family of the fallen soldiers, it is hard to imagine a scenario in which Saddam's threat to the world could have been blunted with fewer American casualties.

The victory in the Persian Gulf was a great victory for both the United States and the brave men and women who fought for it. And it was also a victory for the weapons systems which stood between these courageous Americans and harm's way.

Ironically, there is hardly a weapons system which played a major role in concluding the war and safeguarding American troops which was not slated for termination by some self-appointed antimilitary genius.

The M-1 Abrams tank, which was appropriately lauded as the centerpiece of our ground effort, was, at the time of its purchase, attacked by one Congressman as vulnerable and a questionable buy. The same Congressman also charged that the F-15 Eagles were gold plated.

American aircraft carriers served as the platforms for the air strikes which blinded the Iraqi cyclops. Yet, as recently as the beginning of the 1980's, congressional critics were attacking these systems as obsolete.

The Patriot missile served as the shield which protected Jerusalem, Tel Aviv, and Riyadh. Yet, in April 19, 1984, the House Armed Services Committee voted to slash funding to modify the Patriot into a missile interceptor from President Reagan's request of $9.2 million to only $15 million. As recently as April 15, 1987, the House Armed Services Committee voted to delete all funds for testing the Patriot as an antimissile system.

Had the House provisions prevailed, the Patriot would have remained nothing more than an antiaircraft weapon—useless against missiles such as the Iraqi Scuds.

Ironically, many of those who sought to prevent the Patriot from being developed into an antimissile system are attempting do the same with respect to the strategic defense initiative.

The list goes right on down the line. At one time, the F-111, the cruise missile, the Apache helicopter, and the Bradley fighting vehicle—not to mention adequate levels of troop strength, training, and military funding—all were subject to the tart tongues of these dubious prophets.

Fortunately, the Nation rejected their arguments, allowing these programs to go forward.

One of Patriot's greatest defenders was the Senator—now Vice President—DAN QUAYLE, whose tireless sponsorship of programs to protect our population and our troops from ballistic missile attack can be credited with saving thousands of lives in the Persian Gulf conflict. Had he not been active on this issue, thousands more Israeli, Saudi, and American men, women, and children could have been the victims of Saddam Hussein's Scud attacks.

Mr. President, our victory in the Persian Gulf was due to three factors: the best troops, the best training, and the best weapons. Our weapons systems were superior because, frankly, we as a nation ignored the harping critics and proceeded to develop a military technological superiority.

We now must make a choice as to whether we intend to maintain that superiority.

Mr. President, we all make mistakes, even in contexts in which a great many American lives hang in the balance. But it is important to learn from those mistakes.

The argument that we do not have the technological capacity to build an antiballistic missile system has been proven wrong. The argument that we will never confront a madman willing to hurl ballistic missiles at our population, irrespective of the consequences, has been proven wrong. The argument that such a madman could never acquire a nuclear or ballistic missile capacity clings to life only because of a 1981 Israeli preemptive strike against Iraqi nuclear facilities.

Mr. President, the war in the Persian Gulf is an important victory, but also an important lesson. Let us not forget that lesson.

Mr. NICKLES. Mr. President, I am happy to yield to my colleague and friend, the Senator from Vermont, 4 minutes.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. JEFFORDS] is recognized for 4 minutes.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 585 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NICKLES. Mr. President, I yield to my friend, the Senator from Missouri [Mr. BOND] 6 minutes.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND] is recognized for 6 minutes.

Mr. BOND. I thank my good friend from Oklahoma and I thank the Chair for the opportunity to address the subject that we heard the President address last night at the joint session of Congress.

THE LEADERSHIP OF PRESIDENT BUSH

Mr. BOND. Mr. President, last night Congress gathered to honor President Bush on his unfaltering leadership throughout the past 7 months of the gulf crisis, to express our gratitude to our brave men and women for their selfless service to their country, to offer our thanks for such a quick victory, to offer our condolences to those who lost loved ones, and to express our prayers that all of our troops will return safely and soon to their families.

The President was interrupted a dozen times with standing ovations for his moving words. And as Speaker TOM FOLEY noted in introducing him, he deserved our congratulations for his brilliant victory in the gulf.

The President truly deserves the thanks of this Nation and of all the nations of the free world. When Saddam Hussein invaded Kuwait, President Bush saw immediately the potential consequences of that action and he set out—with a determination that is too seldom seen among politicians—to remove Saddam from Kuwait and to make clear to the world that the days of Wild West lawlessness—of large countries absorbing small neighbors without consequence—are gone. He said to Saddam and to all other would be despots and want-to-be dictators, "We will not allow you to rise to power with your foot on the neck of your neighbor."

The President laid out for the world the steps that Saddam would have to take and he never waivered from those conditions. He then went about assembling a worldwide coalition the likes of which the world has never seen; through deft political maneuvering he kept the coalition together despite several incidents that the pundits and many in this body predicted would rip it apart. The President, as the leader of this coalition, set specific dates by which Saddam would have to meet the coalition's demands and he stuck by them each time.

If anyone doubted that the United States means what it says, they can no more.

If anyone doubted that the United States is serious about our commitment to freedom, they can no more.

If anyone doubted that the U.S. military is the most efficient and capable in the history of the world, they can no more.

President Bush rose to this challenge and he dealt with it masterfully. He did not shrink from the responsibility and he did not follow public opinion polls—instead he did what needed to be done and he led public opinion. It is truly frightening to think what the world situation might be today if the American people had made a different choice in the election of 1988.

We also owe our thanks to our outstanding military leaders. Secretary of Defense Dick Cheney and Chairman of the Joint Chiefs of Staff Colin Powell were determined that United States troops would never again face a situation like Vietnam where our fighting men and women were not given the military tools or the political backing necessary for a decisive victory. President Bush knew that he had assembled the most capable team the Pentagon has seen in decades and he turned over

control of the military operation to that team rather than trying to micromanage the battle from the White House as so many of his predecessors tried to do without success.

We must also pay tribute to Gen. H. Norman Schwarzkopf—a true American hero. A reluctant warrior who is beloved by his troops because he cares for them as if they were his own children, General Schwarzkopf also learned firsthand the lessons of Vietnam and he planned and executed an operation—the largest since World War II—with one overriding factor in mind, minimal loss of life. And as we all know, he succeeded beyond anyone's wildest expectations.

The success that these men have achieved will restore to the military the respect and admiration they deserve and have for too long been denied.

And finally, and most importantly, we owe our thanks to the brave men and women who make up our military forces. Today's soldiers are the finest that have ever served in the U.S. military. They are better educated, better trained and better equipped. And, as we all saw in hundreds of television interviews over the past 7 months, they were determined to do the best possible job at a task that none of them relished, but all understood was critical. As President Bush told us last night, they fought with honor and valor.

I believe this war will prove to be a watershed event in our Nation's history. Our actions over the past 7 months have exploded the myth of the "Can't Do America" that has been so popular with many pundits, scholars and even some of my colleagues in this body. It has made clear to the world that the United States is the preeminent power in the world, and that we intend to use that power to fight for freedom, democracy, and world order. And, it has strengthened our alliances with our allies and increased trust between us, and has reinforced in their minds the fact that the United States can be counted on to follow through on its commitments.

I believe the war has had many positive effects on our country and I believe it has opened up many opportunities for us.

I have been impressed over the past few months by the tremendous showing of patriotism, the outpouring of support for our country and for our troops. Patriotism is back in style, and I am hopeful that it will remain in style long after our troops have returned safely home.

Mr. President, before closing, I want to turn to a subject that is being talked about a lot in this city, the debate about whether Members of Congress should be held accountable for their votes on our gulf policy. I find it strange that there would even be a question about that.

I voted for what I believed was the best policy for the United States. A lot of people in Washington, some at home, told me that if our policy went wrong, my vote would cost me my Senate seat. What is more important, if we did the wrong thing, it would cost this country and it would cost the world a lot more. That was the driving consideration.

I voted for what I believed was right, to support the President. I did not jump on the bandwagon when it had already rolled down hill. We do not know for certain what would have happened had we not given the President the go-ahead to support the U.N. resolution but, personally, from what I have seen about the ability of the Iraqis to withstand the pressure of economic sanctions and a war, I believe that we would be bogged down in a morass that would continue to drag on and on and on and we would lose the ability that we exercised so quickly and so effectively.

The vote in January showed that there are very basic differences in philosophy about how our Nation should conduct its foreign policy. Does this mean a person's philosophy should be used to question his patriotism? Absolutely not. This body came together in strong support of the President after the decision was made. There is no question about it. But the debate is about what we are willing to do and how we see the role of this country in the world. It is a fundamental decision, not only about the direction we took in 1991 but the kinds of directions we should take in the future.

This I think is a legitimate source of debate and will continue to be debated as we look to the future of this Nation in foreign policy. I hope we can put aside any questions of patriotism, but I think we must, in this body and in the next years, continue to debate what is the role of American defense, what should be the role of the military.

I for one am very proud to have supported the President, and our fighting men and women. I believe that we must continue to do so learning from what we developed in the Persian Gulf.

Mr. NICKLES addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I yield myself 3 minutes.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized for 3 minutes.

Mr. NICKLES. Mr. President, I first compliment my colleague and friend from Missouri for his outstanding statement.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 587 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NICKLES. Mr. President, I ask unanimous consent that my friend and colleague, Senator SIMPSON, be in charge of the minority time.

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

Mr. ROTH addressed the Chair.

The PRESIDENT pro tempore. Who yields time?

Mr. SIMPSON. Mr. President, I yield 5 minutes to my friend from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware [Mr. ROTH] is allotted 5 minutes.

A NEW SPIRIT OF OPTIMISM

Mr. ROTH. Mr. President, the mood of America is changing. People are sensing a new spirit of optimism in this country. I say it is about time. The men and women who fought so brilliantly, so spendidly, have helped restore a faith in ourselves that many had forgotten, or lost, or put aside. Some called it the Vietnam syndrome. Others called it accepting America as second best. Others called it the decline of a great nation. But we are fortunate today that half a million young American soldiers thought differently. They believed in this country—in the crisp red, white, and blue of our banner and in the clear principles of our freedom. They believed in the burdens as well as the blessings of leadership. They believed in the compacts of civilized nations and in the consideration of human decency. These Americans—from the highest ranking general to the lowest ranking private—believed in their mission, and thanks to them, the men, women, and children of Kuwait have now reclaimed their nation and their destiny.

I think, quite honestly, over the last several weeks, that many Americans witnessed a nation working with immense skill and prudence to carry out a sensitive and very difficult purpose. We saw the consummate craft of our President and our Secretary of State, who patiently and resolutely built the most successful international peacekeeping coalition in history. We heard the cool and balanced assessments of our Secretary of Defense, who always spoke cogently and credibly. We were impressed with the intelligence and professionalism of the commander in the field, Norman Schwarzkopf, who brought the details of war to us with refreshing candor and humor. And we were inspired by the assurance, confidence, and obvious mastery of our Chairman of the Joint Chiefs, Colin Powell, who became, throughout the course of this war, the very model of our American military.

We saw the care by our President—his steady hand, his clear-eyed conviction, and the evident concern he felt for each and every soldier. We were moved by the resolve of the men and women in the field, dressed in their desert camouflage fatigues—the pilots hoisting themselves into their planes, the infantry members maneuvering their tanks. We saw the competence,

the training, the grace under pressure demonstrated by these men and women. And somehow, all of it seemed familiar. We had seen it before, in this country—that confidence, that cando philosophy, that readiness. It was what we had always admired about America, and about ourselves. We had seen it before, and now we were seeing it again, in the faces of 19- and 20-year-old Americans who knew instinctively what they believed in.

Mr. President, this surge of pride and optimism is not another fashion or fad, it is postwar euphoria, it is not hubris, it is not arrogance, it is not wishful thinking. No one has forgotten the gravity of war, no one has suddenly wiped away the horrors of conflict. No one is suggesting that we rush to battle to resolve our problems. And no one will forget the beloved memories of those 115 men and women who gave their lives for peace and stability. But today, thanks to all of them, we move forward with a new belief in what America means, not only to us, but to the men and women of Kuwait, and to peace-loving nations everywhere.

Mr. President, last week one of our fine Delaware columnists, an editor and writer with the Delaware News-Journal, Norman Lockman, published a column about many of the sentiments I have expressed here. With great wit and frankness, he explores the reasons why so many Americans first doubted the success of our mission, and why so many worried that—and I quote—"America simply wasn't up to world class challenges." He explains why the doubters were wrong. And he perceives, as I do, a new spirit of accomplishment and pride. The media has taken its share of heat during this war—but in my mind Mr. Lockman represents the best of journalism with this honest rendering. His column clearly shows—as I have always said—that America's best days are not behind us. We invested in smart weapons in the 1980's, and the result has been the ability to win this war quickly and decisively, while protecting a great many American lives. We invested in a voluntary army, and the result has been a superbly skilled and flexible military force. We also invested in the 1980's in lower taxes, job creation, and a series of pro-growth steps for our economy—and in the end I believe those decisions will be proven right as well. Investing in America and in America's future—especially those investments which align with our principles of resourcefulness, initiative, free enterprise, and technology innovation—will give us the opportunities and the options that we need for the next century. I ask unanimous consent that Mr. Lockman's column be printed in the RECORD.

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

WHY WERE SO MANY SO WRONG?

(By Norman A. Lockman)

Somewhere, there must be a person who will admit that he or she was wrong about the plague of terrible things that would befall America if we were stupid enough to stumble into a ground war in the Arabian Desert. I haven't found one so I'll bite the bullet and do it myself.

I was wrong.

Now, your turn.

The question is, why were so many of us so profoundly mistaken about the prowess of the American military, the finesse of American diplomats who managed to wire together a fantastically implausible war coalition, the skill of U.S. generals, the resoluteness of the president, the worthiness of American troops, the fabled strength of the Iraqi army, the restraint of the Israelis, the will of Americans in the face of adversity?

Where have we been?

What did we miss?

Was there some kind of sea change in America while we were off preening?

If anything has taken a worse beating than the Iraqis in the last month and a half, it is Conventional Wisdom.

In every one of the categories mentioned above, many of us who thought we knew what we were talking about, because we talked to people who thought they knew what they were talking about, put our money on the wrong set of ponies.

If we had been at the track, we would have had to hitchhike home.

Whenever that many people use equations that have been accepted without proofing for so long and come up with wrong answers it is time to go to the blackboard and examine the underlying assumptions.

It's pretty simple if you stop and think about it. We missed the possibilities because we had stopped believing that Americans are more than marginally competent.

We have been living with signs of declining competence long enough to have begun to distrust ourselves.

American cars seem second rate. Overpriced new houses have shoddy workmanship. Your favorite politician turns out to be sleazy. Thieves ran off with a fat portion of the American banking system. The last few years have not been a confidence building experience.

Then on a clear morning in August, a man who prizes war over brains drives his tanks into Kuwait and our president, whom we still haven't forgiven for picking Daniel the Spaniel as vice president, starts to talk tough.

Looking back at the congressional debate on war powers, I realize that a lot of the arguments against doing anything drastic were based on the firm belief that America simply wasn't up to world class challenges.

A whole generation of politicians had learned to settle for second rate solutions and cloak that vice in noble proclamations about saving humanity from warmongers. And don't fool yourself, there were plenty more Republican congressmen who, if they could have done it secretly, would have tried to duck this war.

One of the most amusing spectacles upcoming will be congressmen who voted for assuming the fetal position trying to lay claim to their share of the postwar glory for voting to support the "blood for oil" war after it became Desert Storm on Jan. 17.

The rest of us are going to have to come to grips with some simple truths. President Bush's strategy worked better than we thought it would. (Probably, better than he thought it would, too). And because of that, the nation and world have changed in ways we don't quite recognize yet.

One profound change is the way Americans are likely to see themselves in the future. My block has flags on every porch day and night with porch lights ablaze to keep the protocol. I didn't even know some of those people owned flags.

My younger children are unhappy if we don't fly one, too. My 20-year-old daughter, who helped occupy the college president's office for a month and determinedly got arrested during a street demonstration on behalf of striking faculty at Temple University in early October, thinks most people demonstrating against the Gulf war are "ill informed."

Something is happening here. I think part of it is that a lot of Americans got worn down at being told that: they were second rate. They were ripe for this war. It scared the hell out of them, but it taught them that fear can be a fortifying experience if enduring it makes you feel first rate again. It became a national rite of passage.

And the naysayers, with their somewhat discredited conventional wisdom, suddenly don't own as much territory anymore in the fields where Correct Approaches grow.

Mr. ROTH. Mr. President, I yield the remainder of my time.

Mr. SIMPSON. Mr. President, I thank the Senator, and now I yield to the Senator from South Dakota 5 minutes.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PRESSLER] has been allotted 5 minutes.

TRIBUTE TO OUR BRAVE MEN AND WOMEN IN OPERATION DESERT STORM

Mr. PRESSLER. Mr. President, it is with a great sense of pride that I rise today to pay tribute to our brave men and women who have served in Operation Desert Storm.

The President's speech last night brought to my mind many thoughts as I sat in the House Chamber. Democrats, Republicans, and all Americans joined together in what was the beginning of a celebration of the victory in Operation Desert Shield. I am sure it will culminate on the Fourth of July with parades and welcome home events around our country.

I thought back to the time when I checked out of the Army, and it was quite a different atmosphere in 1968. I was returning from service in Vietnam as an Army lieutenant. In those days when you came back from Vietnam, you were processed out of the Army in Oakland, CA. Most people were given the option of wearing their uniforms to their homes but most people did not because service in Vietnam was not highly regarded by many segments of our population in 1968. Indeed, we were advised informally that it was much better to travel in civilian clothes. That was the welcome home Vietnam veterans received.

It did not particularly bother me, personally, because I had my own beliefs and was going on to law school with a full plate of things to do. But many of our Vietnam veterans, many

of whom were drafted, were seriously bothered by this unwelcome home. The situation was quite different back then.

So it was wonderful last night to see the evolution of our thinking. President Bush's speech last night was the culmination of our thinking regarding veterans. I hope that Vietnam veterans are included in the welcome home celebrations the Desert Shield veterans will receive.

Mr. President, a great war has been won; a dictator has been crushed, and a captive country has been liberated. Now it is time to say a prayer of thanks for our quick and decisive victory, a time to salute our returning war heroes for their selfless service, and a time to console those who mourn for loved ones lost in battle.

Mr. President, we all share pride and appreciation for our troops who have served our country so valiantly in Operation Desert Storm. I am extremely proud of the performance of South Dakota National Guard and Reserve personnel. South Dakotans have always been ready to answer their country's call to duty, and Operation Desert Storm was no exception. Their outstanding service to our Nation will not be forgotten.

As we all know, many of our country's military leaders emerged from the heat of battle as heroes in Operation Desert Storm. President Bush, in particular, provided to the world an example of American leadership at its best.

Let me pay a personal tribute to President Bush. I think his many years of experience and service in public administration, private business, and the various jobs he has held culminated in his excellent performance as Chief Executive in the war effort. It was masterfully done. Both he and Vice President QUAYLE did an excellent job of leading this effort.

The President's deft handling of Desert Storm produced an overwhelming victory for the cause of freedom and peace. The world will long remember his inspiring performance as our Commander in Chief, his great statesmanship and his great speech last night. He did a great job.

Secretary of Defense Dick Cheney, Joint Chiefs of Staff Chairman Colin Powell, and Gen. Norman Schwarzkopf also deserve special commendation for a job well done. They courageously led our forces to one of the greatest military victories of all time.

By their words and actions, they have instilled in our Nation a renewed sense of pride and confidence. We are forever indebted to them for their effective leadership.

Our highest praise, of course, is reserved for the individual soldiers, sailors, airmen, marines, and Coast Guard personnel who defeated the enemy. As General Schwarzkopf said, these brave men and women "provided the thunder and lightning of Operation Desert Storm."

By answering their country's call, they unselfishly left behind families and friends to make the world safe from aggression. Their courage sends a strong message to the world that the forces of good can, and will, win out over evil.

Mr. President, when Saddam Hussein invaded Kuwait, he believed that the world would stand idly by and accept his outrageous act of aggression. However, he made one very big mistake—he underestimated the strength and resolve of the American people. When President Bush drew a line in the sand, the American people stood firmly behind him.

Mr. President, history has taught us that brutal aggression demands a quick and decisive response. When America spoke of peace, Saddam Hussein wouldn't listen. But when America acted, Saddam Hussein finally heard the voice of reason loud and clear. We told Iraq and the rest of the world that the United States would oppose barbaric aggression.

Nearly everyone agreed with the basic objective of liberating Kuwait. But not everyone was willing to do what was required to achieve that objective. Some countries flinched when asked to pitch in their fair share. Some Members of Congress also misjudged the diplomatic situation when our President and troops needed them most.

Mr. President, our vote in January to give President Bush the authority to oust Iraq from Kuwait clearly was the correct decision. At the time, it was not a very popluar vote. Some wanted to wait longer. In fact, some groups protested in my field offices against my vote to support the President. They misread the situation and Saddam Hussein.

American lives and the principle of nonaggression were on the line. President Bush and our troops looked to Congress for support. I am proud that a majority of us gave them that support.

Operation Desert Storm was characterized by promptness and decisiveness. We now must display equal resolve in bringing our troops home. Some units have been in Saudi Arabia since August. We have won the war. Our troops have done their duty. It is time to start bringing them home.

Mr. President, we have learned many lessons from our country's involvement in the Vietnam war. Not the least of these is the importance of properly welcoming and rewarding our veterans when they return home. Each of us holds a special place in our hearts for our brave service men and women. We must clearly show them how much we appreciate their great service and sacrifices for our country and the principles of freedom. I, for one, plan to personally congratulate and thank as many of our servicemembers as possible. All Americans should do the same.

Mr. President, now that the fighting in the Persian Gulf has ended, we feel as sense of relief and accomplishment. Operation Desert Storm was a war that had to be fought. As the book of Ecclesiastes tells us, "To every thing there is a season * * * a time of war, and a time of peace." We have had our time of war—let us now enjoy our time of peace.

Mr. SIMPSON. Mr. President, I yield 5 minutes to our newest Member, our colleague from California [Mr. SEYMOUR].

The PRESIDENT pro tempore. Mr. SEYMOUR is recognized for not to exceed 5 minutes.

PRESIDENT BUSH'S VICTORY SPEECH

Mr. SEYMOUR. Mr. President, last night, Congress heard the President of the United States report a victory—not just for one man or one country, but for the world; and not really against one army or one government, but against a new brand of international aggression.

For in the quiet eye of the hurricane that we knew as Operation Desert Storm, the principles of sovereignty, order, and self-determination rested. And now that the hurricane has swirled away, these principles have yet another opportunity to bloom in the harsh deserts of the Middle East.

The face of America and its President in this enterprise was neither ugly nor imperial, as so many skeptics, many of whom we have heard in the past, insisted. With the end of this crisis, the President has scared away a gallery of ghosts that have haunted U.S. foreign policy and our ability to defend our allies for more than 45 years.

The first and most important of these ghosts, of course, is isolationism. How many times, both yesterday and today, have our leaders faced the argument that America has no business engaging itself in distant regions of the world?

If we accepted this view, then the adventures of Saddam Hussein would have continued. The Arabian Peninsula would have been bulldozed by the Republican Guards, its people tortured and exiled, its oil wealth held hostage to the designs of a man who killed his first person at the age of 14.

The disappearance of this ghost took a second one with it. The second ghost, actually a phantom, told us that the United States became involved overseas only in futile attempts to impose its culture on other people.

How many times did President Bush tell the American people that he wanted to Americanize Kuwait and Saudi Arabia? None. How many times did he say his objective was to make the societies of the Middle East more like us? None. How many times did he say that

Americans would stay behind as occupying forces in Kuwait? None.

He did not say any of these statements because they did not reflect our goals. Just ask the Governments of Kuwait, Saudi Arabia, Egypt, Israel, Morocco, France, Britain, or any of our other coalition partners. Would 28 countries under the banner of the United Nations have conspired to make the Middle East safe for American culture?

The final ghost that President Bush chased away was the one that emerged from the shadows of the Vietnam war. This ghost reminded us with deadpan regularity that the commitment of U.S. troops to faraway places would be too difficult, too long, and too costly.

The ghost in this case, Mr. President, actually had a point, but he expressed it incorrectly. What he really meant to say was that we would lose in the absence of the will to win with a clearly defined objective.

And the history of our will to win did not just begin last summer as the first American forces arrived in Saudi Arabia. Rather, it started about one decade ago when we heard a voice warning that America had unjustly deprived itself of the technology and the means to defend our allies and secure a lasting peace. That voice belonged to a man named Ronald Reagan.

Today, Mr. President, this voice is that of George Bush, who firmly told us that aggression "would not stand." It is that of Gen. Colin Powell, who, armed with his doctrine of invincible force, calmly told us that the U.N. coalition would "cut off and kill" the lethal power of Saddam Hussein.

It is the voice of the medic who had enough helicopters to transport the war wounded to hospitals.

It is the voice, Mr. President, of the Air Force pilot who told us time and again of the missile that took out a nuclear weapons complex but left the suburban neighborhood right next to it undisturbed.

It is the voice of the fire control officers, protected in their high-technology tanks, who penetrated enemy lines and wound up with 60,000 prisoners instead of in body bags.

And it is the voice of the Navy and Marine forces, hovering off the coast of Kuwait, making Saddam look in one direction while we attacked him from another.

President Bush, then, with the legacy of Ronald Reagan, has taught us that great powers must shoulder equally great responsibilities, that these responsibilities are neither immoral nor unjustified, and that our military skill can be used not to conquer, but to preserve the integrity of small, defenseless nations.

The New World Order, then, has as much to do with our perception of ourselves as it does with the changing system of international relations.

And thanks to the President, that perception has invigorated America with a clearer sense of purpose.

Mr. SIMPSON. Mr. President, I now yield 5 minutes to the Senator from Alaska [Mr. MURKOWSKI].

The PRESIDENT pro tempore. The Senator from Alaska.

UNQUALIFIED SUCCESS IN THE PERSIAN GULF

Mr. MURKOWSKI. I thank the Chair and I thank the floor manager.

Mr. President, I wish you a good morning and I rise today to add my voice to those offering congratulations and thanks for our President on his unqualified success in the Persian Gulf. His resolve to end this crisis quickly, decisively, and without compromise has been borne out. Kuwait has been liberated, and our troops have already started to return home.

I think this is a great tribute to our leader. The President indeed is a very modest man. It is difficult for him, obviously, to recognize and accept the tremendous tribute that we have because he is a modest man. But he put the team together. As a leader he showed vision; he showed the ability to make decisions and to take extreme risks.

The President is not alone in deserving our praise. Secretary Cheney and Chairman Powell, along with General Schwarzkopf, staged the greatest military deployment witnessed in decades. Allowing our field commanders to determine the strategy and shape of our deployment is yet another testiment to the President's leadership throughout the crisis.

Saddam Hussein's battle-hardened, million-man army—formidable to any foe—surrendered by the thousands or retreated hastily from battle. Americans will likely never forget the scenes of Iraqi prisoners-of-war kissing the hands of their so-called captors, and chanting the name of President Bush while they clapped. As was repeated again and again by the United States military, we had no quarrel with the Iraqi's themselves, only with their leader's action against Kuwait. The lack of will for battle showed that these troops did not share the goals of Saddam Hussein either. Even the much talked about Republican Guards thought discretion was the better part of valor.

Some suggested that the sanctions should be given more time; they were simply a matter of timing. I think if we look back we will recognize the sanctions did what they were designed to do. They were designed specifically to cut off Saddam Hussein's supply of oil, and they were effective in that regard. They were designed to cut off his cash flow, the cash flow of about $60 million a day. So the inability to move 3 million barrels a day and not have a cash flow in reality meant the sanctions themselves were very effective.

But what they did not do, after 5½ months they did not cause the withdrawal of Saddam Hussein's forces from Iraq.

I venture to say, Mr. President, had we not taken the action which the majority of this body approved, clearly the sanctions themselves would have been threatened, the coalition would have been under great pressure and Saddam Hussein would have said, "I have stood up to the Congress of the United States, the President of the United States, and the United Nations."

Since the invasion of Kuwait last August, critics of President Bush have claimed that diplomacy was abandoned and negotiating was avoided as a peaceful means to end this war. Mr. President, there could not be a more hollow criticism. Within 24 hours of the invasion Secretary Baker and Ambassador Pickering had rounded up the support of our allies and the first U.N. resolution condemning Iraq's actions was passed.

In August the United States began its negotiations. All the nations of the world negotiated together, under the auspices of the United Nations, to determine what conditions Iraq would have to meet to restore the peace. The greatet multilateral diplomacy since the creation of the United Nations was conducted in order to resume stability in the gulf. Unlikely allies joined together in the coalition, and the coalition never split apart despite all predictions that it was doomed to fail.

Mr. President, the United Nations passed 12 resolutions making demands on Iraq between August and October. In the Iraqi desert last week, General Schwarzkopf accepted the Iraqi military's decision to abide by all 12 United Nations resolutions, in full and without condition.

ISRAEL'S CONTRIBUTION

Israel too deserves sincere praise. A part of the war despite the fact that they were not members of the coalition, innocent Israeli civilians were the victims of vicious Scud missile attacks. Desperately trying to break the coalition against him, Saddam Hussein claimed that the real reason he invaded Kuwait was to solve the Israeli-Palestinian conflict. Throughout all this, the Israeli Government exercised extreme restraint and refused to allow Saddam's cruel hoax validity. Indeed, during one of his early attempts at a qualified withdrawal, Hussein dropped the Palestinian cause completely and forever.

It is useful to reflect at this time back to 1981 when Israel launched a preemptive strike against Iraq's developing nuclear capability. Had Israel not taken this action, the coalition forces could have faced not only the threat of chemical and biological weapons, but a nuclear threat as well. Israel deserves our thanks for having the

courage to take this bold action. It very well may have saved the lives of thousands of U.S. and allied service men and women.

I might add, Mr. President, that very shortly I intend to introduce a resolution which commends Israel for this preemptive strike back in 1981 and calling for the revocation of U.N. Resolution 487 which criticizes Israel for that attack. I hope my colleagues will join me on this resolution.

NEED FOR STRONG DEFENSE DEPARTMENT

General Schwarzkopf, in praising his troops, claimed that the military maneuvers conducted in the Persian Gulf were textbook cases and would be studied for generations. The performance our troops were able to give depended in a large part on the equipment and training they had to work with. We must all be thankful that some of our Democratic friends in the House did not carry the day when they decided to attack the Defense Department with random cutbacks and systems cancellations.

The U.S. military escaped this war with miraculously low casualties but only because a majority in Congress, consisting mostly of those supporting the President, rejected the irresponsible budget cuts that would have put our soldiers at great risk. The lucky aim of a single Scud missile was responsible for more than a quarter of all U.S. losses. Imagine the losses we would have suffered if we did not have the Patriot missile to protect ourselves, the coalition forces, and the innocent civilians in Israel.

While we all share in mourning the lives which were taken in this conflict, we also know that these young men and women did not die in vain. Our cause was just, and we must show our troops the support that many returning from Vietnam did not receive. Our debt of gratitude to these young heroes and their families can never be fully paid. But we can and must welcome back the returning troops with the brimming pride and glory which caused so many Americans to march in support of President Bush's policy, and to fly the flag from every front porch.

ALASKAN CONTRIBUTIONS

Mr. President, as the junior Senator from Alaska, I take this opportunity to honor the men and women from my State who bravely contributed to the effort in the gulf. Alaskans sent an Army CH–47 platoon from the 6th Light Infantry Division at Fort Wainwright, 40 heavy truck drivers from various units also stationed at Wainwright, as well as more than 20 individuals with special skills from throughout the State.

Alaskans also lost one of their own in the war. Sgt. David Q. Douthit, of the 134th Armored Detachment was killed in action during the last hours of the ground war. We can never fully express our gratitude to David and his family; his wife is expecting a baby momentarily. But I believe his good friend, James Rusk of Soldotna, AK, put it very well. James said of David, "He should be recognized as a hero. He gave the ultimate sacrifice to his country. I'm sure he fought hard."

There are numerous other Alaskans who served in the gulf or in support units stationed around the country and abroad who were deployed from their stations outside the State. I thank these units and individuals and wish them a speedy return home to their families. We are all anxious to welcome them home.

I yield the floor.

Mr. SIMPSON. Mr. President, I now yield 5 minutes to the Senator from Colorado [Mr. BROWN].

The PRESIDENT pro tempore. The Senator from Colorado [Mr. BROWN] is recognized for 5 minutes.

THE PERSIAN GULF BATTLEFIELD

Mr. BROWN. Mr. President, let me express my gratitude to the Senator from Wyoming for putting this special order together today and yielding the time.

Mr. President, the victory that all Americans achieved in the battlefield in the Persian Gulf is one this body, as well as every citizen of this Nation, can take great pride in. It is almost unparalleled in the history of mankind.

To find a comparable example one would have to look back to the Spanish-American War, when the American Navy annihilated the Spanish Navy with only a few injured. Perhaps even the battle of Agincourt in 1400 is one, if one must go back to find a comparable battle and victory. It was almost beyond belief of the imagination.

While the records are not complete, it appears that the losses may be 1,000 to 1 or even greater. There may be more than 1,000 Iraqis lost in the conflict for every American who lost his or her life in this effort. That is a result that is a great testimony to the leadership of this Nation and the preparedness of this Nation, as well as the motivation of the fine men and women who served our country.

When you look at the results on the battlefield you find that more than 100 Iraqi aircraft were lost in air-to-air combat and yet not one American aircraft was down in the process of air-to-air combat. We lost a few aircraft. They were primarily lost on bombing and low-level operations, but not in air-to-air combat. Not one loss, and more than 100 of the enemy fell.

The figures are not all in yet but it appears almost 4,000 Iraqi tanks were destroyed. Yet the reports we have thus far indicate not a single American tank was destroyed by enemy tank fire. There may be some losses because of other activity but not because of enemy tank fire; not one.

Those odds, those comparisons, say more than any speech could about the incredible capability, motivation, and preparedness our troops had in that field of operation.

I believe we not only owe a great debt of gratitude to the men and women and leadership, but I also think it is appropriate for us to note what this war has done to the American psyche. We hold deep reverence and thankfulness to the brave men and women who served there, but also this combat has removed a scar from the American heart.

Our experience as a nation in Vietnam, I believe brought on by the lack of adequate political leadership, the blame for that conflict was put on the men and women who served us in that Vietnam conflict. They do not deserve that blame, but they shared it and they received it nonetheless. It has left a scar on this Nation because brave men and women who served us before in combat were blamed for losses which were not theirs. I believe what happened in the Persian Gulf has removed that scar and brought new light to this whole question.

There were not many movies ever made that were sympathetic to the men and women who served America in Vietnam. One, though, did and had a closing line I think worth noting. The colonel turned to the hero of that movie and asked, "John, what is it you want?" John looked him in the eye and he said, "Colonel, I want what every man and woman who served this country in Vietnam wants; I want this country to love us as much as we love our country."

I believe today the American people understand what John wanted and I believe today in spades they have shown their love and devotion to those men and women who served this Nation in combat. I think the scar that was left across this land with regard to Vietnam has finally been erased by another generation just as dedicated and just as motivated toward freedom.

Mr. President, I conclude my remarks with a new resolution. It is my hope other Members of this body will join me in this resolution. It calls for the maintaining of economic sanctions against Iraq until there is a full accounting for all missing in action and until all the POW's are returned, including the Kuwaitis who were taken from their land.

I hope other Members of the body will join me in this. I will be submitting it today.

I hope this day goes down as one of great joy for all Americans, both Democrats and Republicans, but particularly tribute to those men and women veterans to this combat. They set an example for us all.

I yield back the remainder of our time, Mr. President.

Mr. SIMPSON. Mr. President, I yield 5 minutes to the Senator from Idaho [Mr. CRAIG].

The PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized for 5 minutes.

COVERAGE AND LEADERSHIP

Mr. CRAIG. I thank my colleague for yielding, Mr. President. I thank him for taking out this time today to discuss this most important issue and event in our country's history.

I will be brief today, Mr. President, because the actions of our President and America's young men and women in uniform speak so much more eloquently and will be longer remembered than anything I might say here today.

But I think it is important that we draw attention to what this country and the allied forces that worked with it have just accomplished.

Saddam Hussein has been defeated and, now, people of that region and the world can live free of the fear created by that tyrant and his war machine.

You know, it is difficult to describe how proud I felt last night when our President—now perhaps the most popular in history—received the praise and credit he deserves for an accomplishment of major importance.

With extreme foresight, a steady hand, and the courage of his convictions, George Bush has led this Nation through dangerous times and allowed Saddam Hussein to assume his true identity—one of history's biggest losers.

This accomplishment may appear easy in retrospect because of the short duration of the war. But that simply is not the case. Our young men and women in the gulf have defeated the world's fourth largest military in record time. And they deserve to be proud.

And some of them—thank God, only a few—paid the extreme price. Sgt. Nels Andrew Moller, of Paul, ID, was one of these few, brave young soldiers, and we join his family in their grief, and in their pride.

True acts of statesmanship—and this was certainly one of them—are always difficult, and that is probably why there are few statesmen in our Nation's history.

George Bush will probably go down in history as one of America's more important Presidents and he has now become a prime mover in world affairs for this Nation.

But not only has our President led the world in a decisive moral and military victory over Saddam Hussein—he has ushered in a new birth of world freedom:

Freedom from tyranny for the abused people of Kuwait;

Freedom from fear for much of the world community; and

Freedom in this Nation from the defeatism and malaise that has characterized much of our foreign policy thinking since the 1960's.

Today, in a region of the world where little over a decade ago Americans were held hostage by another Middle Eastern madman, America is now the leader and chief liberator.

We are now talking about a lasting and real peace in that region, and this all did not happen by accident.

After a decade of rebuilding our defenses, America is riding high and, in the words of another President whose leadership helped make this possible—Ronald Reagan—"You ain't seen nothin' yet!"

I am proud and happy to have played a small role in America's rebirth during the decade of the 1980's. And I am also very proud to have made that important vote to give our President the support he needed to pursue Desert Storm.

There were plenty of reasons offered by the liberals in Congress why we could not possibly prevail—and that we would be defeated or at least fail to some degree.

But George Bush saw through the defeatism. It was not a decision anyone took lightly. But it was a decision that had to be made.

Americans have never been warlike. We are not expansionistic—we have continually stood for freedom, justice, and peace.

In the end, it is the job of the Commander in Chief to make war—Congress only declares it. So one of our biggest contributions as Members of Congress was to give our troops and their leader the support they needed to move forward.

It was not just an easy decision. It did not come lightly.

But it was a necessary and an important one. Whether we are people of great foresight or whether we merely judge from the hindsight that actions provide us, what is always important to recognize is the responsibility at hand and the way our Founding Fathers set forth this Government, that we do in fact have a Commander in Chief, and that that Commander in Chief is, for very important reasons, a civilian. And given the authority that we can give him, he must act in responsible and prudent way. I think history will say that this Commander in Chief did that, and that this Congress stood by him in an hour of national and international need.

Today, now more than ever, America is perceived as a world leader. We must assume this mantle, and I urge those who did not support the President during that critical vote to think and think again.

What has emerged as the official explanation for those who did not stand with the President when he needed them most goes seems to go as follows:

"We, too, would have fought a war. But we had more patience and would have waited longer."

What do they mean by patience?

Patience while our troops sat exposed to attack in the gulf?

Patience while a nation and its people were being ransacked and tortured?

Patience while a tyrant ignored sanctions and continued to fortify his position?

Patience to give Saddam Hussein time to move his dreaded chemical and biological weapons from their storage spaces north of the Euphrates River and bring them to bear on our troops and the citizens of Saudi Arabia and Israel?

Sanctions affect people, not armies. Sanctions alone could have lost the war, causing more casualties and suffering for everyone.

Whatever the intent, sometimes waiting is not the answer.

The United Nations and most of the world had already made up their minds. Why did Congress waver?

I would never question the patriotism or the intentions of a fellow legislator. But intentions are not enough. What this Nation needs is courage and leadership—the kind offered by our President, Dick Cheney, Colin Powell, and General Schwarzkopf.

As a result of their foresight and steadfast purpose, the world is today a much better place than it was before.

Perhaps there are some lessons to be learned.

I once again thank my leader for providing this time.

Mr. SIMPSON. Mr. President, I yield 5 minutes to the Senator from Mississippi [Mr. COCHRAN].

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. COCHRAN] has been allocated 5 minutes, and he is so recognized.

THE VOTE ON THE WAR IN THE PERSIAN GULF

Mr. COCHRAN. Mr. President I thank the distinguished Senator from Wyoming for yielding me this time.

This morning, the discussion has centered primarily on the success of the Persian Gulf war, and some of the debate that has surrounded that event, both preceding the vote to authorize the use of military force and following it, in terms of whether or not there ought to be a degree of accountability for having cast a vote one way or another.

In that connection, I was asked by one of the news reporters who covers the proceedings here in the Senate for one of the newspapers in the mid-South what my reaction was to the remarks of my good friend and distinguished colleague, Senator GORE, yesterday on the floor of the Senate on that subject.

I had not heard the remarks, so I asked for some time to read his speech, and I read most of it this morning.

Again, it centers on whether or not there ought to be some political benefit one way or another as a result of the vote on authorizing the President to use force in the gulf. In it, there is a comment about some Republican operatives manipulating the vote, which the Senator described as a vote

of conscience, for partisan political gain.

Well, I did not know that there was anybody manipulating the vote. I certainly would not approve of manipulating any vote for any purpose. But I think it is very clear that those who were trying to say that the vote was not important in a political context were wrong, and I think that those who argue that are suggesting that the American people just ought to forget about it, forget about the vote, and that is wrong, too.

But these are decisions not for us to make, Mr. President. I think that is the point I would make this morning. We can talk about it here and debate it, but really the decision rests with the American public. The people in the country will decide whether it is a vote that ought to be of such significance that someone should be held accountable in terms of whether they are sanctioned, whether they are reelected, whether they are chastised, or whether they just get a letter from a friend or a constituent expressing disagreement. We all know that there are differences in reactions among different members of the public.

I can remember as a new Member of the House one of the first big, high-profile, very serious looking votes that I saw coming along was a vote on whether to impeach President Nixon. I was in my first term in the other body. And I thought that, since President Nixon was so popular, very popular, in my State at that time, if I voted to impeach him, I probably would not be reelected. But I came to a decision—and I recall the feelings and the seriousness that I brought to that process—that I was about to cast a vote that really could end my political career just as it was beginning. But I decided to cast a vote based on what I thought was right under the facts and circumstances, whether I was reelected or not. And I am sure Senators came to this vote the other day with the same kind of approach, that to them it was the most serious, for many, vote they had ever cast, in political terms.

So what we say now does not change that. I think the political facts are not going to be influenced by what some party operatives may do or say. These are things that are going to be decided by American citizens, based on their notions of fairness and right and wrong and the kind of leadership they want to have in this country. These are personal decisions that voters will make. so I leave it to their good judgment, Mr. President, as to the weight to be given to these votes in reelection contests and in terms of the support that elected representatives are given by their constituents.

I think we do need to go beyond the political context, to try to determine what we should now do as an institution of Government to build upon the opportunity that has been created for our country by the success of the Persian Gulf war. I challenge the Senate to put partisanship aside as we approach the issues of creating an arms control regime in the Persian Gulf; looking at how we are going to keep another Saddam Hussein from emerging in that region to threaten neighbors, to kill innocent citizens.

As the debate begins within the Coordinating Committee for Multilateral Export Controls meeting in Paris on modifying the list of technologies and goods and systems that can be sold in the international marketplace, the question arises whether or not we should consider expanding it to include the Middle East region. Maybe we should try to enlist our friends and allies around the world in developing a new agreement with new enforcement provisions that would prevent the sale of goods that could be used to develop nuclear weapons, chemical weapons, or delivery systems that would threaten neighboring countries so those goods could not come into the hands of another, or a new, Saddam Hussein. I hope that is the kind of lesson we can learn here in the Senate, so we can focus our energies now on building on those successes and helping to ensure a more stable and secure world and region.

Mr. SIMPSON. Mr. President, I yield 3 minutes to the Senator from Idaho [Mr. SYMMS].

The PRESIDENT pro tempore. The Senator from Idaho [Mr. SYMMS] is recognized for 3 minutes.

THE PERSIAN GULF

Mr. SYMMS. I thank the Republican whip for yielding me 3 minutes. I know we are very short of time, there are so many Senators who wish to speak on this issue.

Mr. President, this last week I happened to see one of my colleagues in the other body from my State being quite critical of this Senator for what he considered to be my view of what happened and where we were and what would have happened. He said I probably would not have said those things on the Senate floor. But I believe they were said in the debate on the floor, in the debate before we started Operation Desert Storm, when the President was trying to get our support.

When I think back on it, I want to say again I thank all those Members in the majority who did give their support to the President after he had the whole world behind his effort. I made the comment on the floor, I think then and I will say it again now, it appears that the President was able to negotiate with everyone in the world except for the Speaker of the House, the majority leader of the Senate, and Saddam Hussein. Thank heavens there was enough bipartisan support that he got the vote so the Congress of the United States did not put itself on record to the left of the United Nations.

If we look at what would have happened had we not moved when Desert Storm started and think of the terrible scenario we would have been in, with Israel dragged into the conflict, the possibility of the Arab States that were part of the coalition dropping out of it, we would have had a calamity that in 3 to 5 years there could have been millions of people killed in that area, had Israel and Iraq gone into a full-scale war and used the weapons of mass destruction that were available to both countries.

So, America, thank God, did not have to face that. We have seen the event that happened last night, to have the Congress united behind the President, giving thanks to the troops that served so well in the field, to the leadership of the President, the leadership of the chairman of the JCS, the leadership of the Secretary of Defense, and others who have served this country so ably.

Of course, I have to think it did not come without a price. I will be asked Saturday to speak at a funeral service in Idaho to a family who have been very good friends of mine for the last 30 years because young Nels Andrew Moller gave the last full measure of his devotion when the 2d Armored Cavalry were in their barracks during that 100-hour battle.

Mr. President, today America stands tall and strong.

We have met our challenges and defeated Saddam Hussein. We have conquered aggression to promote peace and freedom. And, we have liberated a nation shackled to the confines of tyranny and despotism. Within the 100 hours of Operation Desert Storm, the Middle East has overcome a significant obstacle in securing a more just and lasting peace.

In his excellent speech last night, the President outlined the successes of our battles. But I want to reemphasize the importance the men and women serving in the gulf, the sophisticated weaponry, and the overwhelming support of Americans for our President and his policies played in this victory.

The standing ovations Congress gave to our men and women in the military was but a small gesture of our appreciation. America owes a debt of gratitude to the military leadership of Secretary Cheney, General Powell and General Schwarzkopf as well. These individuals—the privates, sergeants, captains and majors, all the way up to the generals and Secretary of Defense—planned and executed a mission with brilliance and skill.

Mr. President, our actions—our victory—can be assessed in different ways. We all agree that our fighting force is second to none, that our men and women in military uniform are the best trained, equipped and highly motivated force this world has ever known.

But to me it comes down to one very simple point: leadership.

Leadership starts at the top. Leadership can determine—despite the odds—the outcome of any event, whether in war or politics.

Our victory in the sands of Kuwait and Iraq is an example of outstanding leadership. President Bush clearly and concisely defined the issues, laid out the objectives, and set forth our actions to achieve success.

The same quality of leadership is proven in our military in Secretary Cheney and Generals Powell and Schwarzkopf.

Today we stand at a crossroad similar to our vote to use force—to back our President and our military. President Bush has proven his leadership in returning Kuwait to the Kuwaiti people. Through President Bush, Kuwait's future is much brighter than it was several months ago. Now, as our service men and women return to America victorious, we must choose whether we will support him in securing and strengthening America's future. The choice is ours to make.

I spoke earlier of our sophisiticated weaponry. The money and time we, as a nation, have invested in stealth fighters and smart weapons, we must invest—now more than ever—in a single and very simple policy. Through the Patriot missile system, we have proven the ability to defend against ballistic missiles. The technology is available and the policy is sound. Though the Patriot is a limited defense system, through invigorated research and development, we can deploy a system to protect not just a city, but an entire nation—our Nation. Today, the citizens of Israel and Saudi Arabia are thankful for our Patriot system. I hope that in the days ahead American's will be thankful we invested in our own protection. While I pray the day will never come in which we must defend our cities and States against such an attack, can we be so blind as not to recognize the need for such?

President Bush is requesting we allocate more resources to the Strategic Defense Initiative Organization. Once again, we must choose whether or not we back our leadership. I believe it is imperative we support the policy. Let us ensure our future from a potential missile attack just as we were ensured the future of thousands in Israel and Saudi Arabia.

Mr. President, last night President Bush talked of "the march we've all been waiting for." Of course, he was referring to our troops victorious arrival home.

As many of you know, in January I organized Operation Homefront. This is a grassroots organization to support our troops and their families here at home and to plan the "welcome home" events upon their return home.

The Senate has passed unanimously a resolution supporting Operation Homefront, and I thank all of you for your support. I was also pleased to learn an identical bill has been introduced by Congressman ROD CHANDLER in the House, and may soon be considered by that body.

Though started in Idaho, Operation Homefront has become a national effort. My friends, Senators DOLE, BURNS, and LOTT, have been enthusiastic and early supporters of Operation Homefront. Through their efforts, and with the help of energetic and patriotic volunteers, task forces have been organized in their States, and I am aware of Operation Homefront activities are taking place in numerous States including Virginia and Texas.

On Tuesday individuals and organizations of all kinds will meet in my office to plan a national homecoming and hero's welcome for our courageous service men and women to take place here in Washington. I will continue to report to the Senate of our actions.

President Bush speaks of a thousand "Points of Light." I would say to my colleagues Operation Homefront is a perfect example. Just as it is the individual volunteers who make up our tremendous military force, it is the individual volunteers here at home who are the measure and proof of our place as the greatest Nation on the Earth.

Our brave troops' arrival home is eagerly awaited, by their mothers, fathers, wives, husbands, and children. Let us show all of them the gratitude and appreciation that only we, as proud Americans, can truly give.

Mr. President, as I painted this scenario of what might have happened, that was bad. Now I think we should look to what might happen that could be good for the region.

It is my opinion that because of the strong leadership of President George Bush this country now has the credibility in the arena of world affairs to truly exert some positive influence in that region of the world. I will predict that in view of the President's statement last night and the rousing support that he appears to have from the American people, that he will be able to be successful through his diplomatic corps and through the Arab States in the gulf region. I would hope that we will see within a very short period of time, that we will see Kuwait, Saudi Arabia, the other gulf states, hopefully Syria, will recognize Israel's right to exist.

Once that step is made, then I think it will just be a matter of time until arrangements will be made and worked out so that the Palestinian question can be settled. That will set the stage for peace and stability in that region for many years to come.

I think the American people need to be constantly reminded that when we Americans stand together and focus our attention on a position like this, we can in fact be successful. If one harkens back to 25 years ago during the last major conflict in which the United States was engaged, where there was so much indecision at home and indecision in the White House over how we should carry out the conduct of the affairs of this Nation, we never reached a resolute ending, never reached any kind of conclusion, and it was on again off again, on again off again.

I saw Adm. Ulysses S. Grant Sharp interviewed on television the day after General Schwarzkopf had given his briefing on what had happened with the 100-hour ground war of Desert Storm and Ulysses S. Grant Sharp made the comment how he wished when he was commander of OFM Pac in the early sixties, 1966, 1967, he would have had the resolute support of the American public that General Schwarzkopf enjoyed.

He made the observation that, oh, how he has looked back at that moment and thought if we would have had the ability in 1966 to stand together he could have given a briefing very similar to the briefing General Schwarzkopf gave in 1991.

Now, it may not have worked out quite that way, but it is another time, another era, another part of the world, and a different set of circumstances, I realize. But I hope that this country and this Congress can learn from this experience and that we can accept the challenge that the Commander in Chief gave us last night, to take some of these issues that are very difficult, very knotty for us to handle in the Congress and try to untie those knots, reach some agreements, get on with our business, get this economy moving, and follow the course of action that our President by his example set down as leader.

I have always said that leadership starts at the top. Our leader has demonstrated that he is just that, a leader. And now if we get on with the business of the affairs of state here at home, I think we could do our work and hopefully do it in 100 days and adjourn this Congress and go back home to the people we represent.

I yield the floor. I thank the indulgence of the Chair.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I might proceed for 4 minutes as if in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Wyoming [Mr. SIMPSON] is recognized for 4 minutes.

Mr. SIMPSON. I thank my colleagues for this opportunity to speak during this special order and particularly thank Senator DON NICKLES for his assistance. I thank our President for his inspirational remarks last night. I thank all of those who participated in

such extraordinary and brilliant ways—that was the phrase used last night by a Member of the Democrat Party. I think that is very apt.

That was a tough evening for the President. It may have seemed to some that he sought that type of adulation. I can assure you, he is not that kind of man. This was not an ego-driven activity of our President. In fact, I think it was a little embarrassing for him at times, to receive all of that adulation. I think we could all sense that.

He is surely a special man, a man of extraordinarily loyalty, kindness, and goodness. When he reflected last night, with some feeling, about the unforgettable scene of the Iraqi soldiers surrendering to our forces, he said, "It says a lot about America. It says a lot about who we are. Americans are a caring people. We are a good people, a generous people. Let us always be caring and good and generous in all that we do." Indeed, that is so.

Let me here also pay tribute to one fallen GI from my State, Sp4c. Manuel Davila, of Gillette, WY, of the 2d Armored Division. That was my old outfit—"Hell on Wheels." Specialist Davila gave the full measure of devotion to his country, and his services will be held soon in my native State. God bless his supreme sacrifice on behalf of a proud and thankful state and nation, and our deepest condolence to his family.

It will be quite a July 4. And we will have quite a celebration, as the President said last night. It is my hope, too, that as those in the armed services return, and move down the streets in the communities and towns and cities of the United States, that from the sidelines along the parade route there will come to join them, hand in hand, the Vietnam veterans from out of the crowd. I hope these Vietnam veterans and veterans of all our wars will walk side by side with the Persian Gulf troops so we may pay them all the proper tribute they have so well deserved and which is so long overdue.

Mr. President, all of us in Congress today are extremely proud of our combat troops in the Persian Gulf and the support forces in Europe and at home. We in the United States are so very fortunate to have such a professional Army, Navy, Marines, Air Force, and Coast Guard—an All-Volunteer Force of some very dedicated people who have done their duty in such in exemplary manner. We are all so very fortunate that military personnel have functioned so efficiently and with the unqualified and caring support of their families and the American people.

I am also extremely proud of the U.S. command structure—from President George Bush, Gen. Colin Powell, my old and dear friend from Wyoming, Secretary of Defense Dick Cheney, the courageous Gen. Norman Schwarzkopf, Secretary Jim Baker, the steady Brent Scowcroft—on down through the ranks. All of these men have demonstrated a great measure of competence, confidence and brilliance as they have planned and carried out the critically important military operations in the Persian Gulf. Their performance has exceeded all expectations and their steady hands have reassured us during these past months of crisis.

The extraordinary military planning and maneuvering has resulted in a relatively low number of U.S. casualties—while any human loss or injury is sorrowful—but we went to the gulf so that the coalition forces could accomplish all of our stated objectives. They did. The result of this extremely intelligent and savvy leadership is not only the removal of some barbaric Iraqi troops from Kuwait, but also an opportunity to construct a new and more stable Middle East.

I find it most interesting that prior to the beginning of Operation Desert Storm there were a number of Senators who expressed their lack of faith in George Bush and his advisers by arguing against any military action to free Kuwait. Some in this Chamber wanted to keep United States troops out of the gulf "no matter what the purpose of their deployment."

While others wanted to perpetuate sanctions for a year or more in the sad and mistaken belief that sanctions alone would cause Iraq to leave Kuwait. The advocates of that strategy would have given Saddam ever greater opportunities to develop nuclear weapons of destruction, which I do not believe he would have ever hesitated to use, given the chance.

Today, we should celebrate the end of the defeatist attitude which has permeated this country since Vietnam. I sat on this floor and listened to the stirring debate on whether to authorize force. Speaker after speaker—most from the other side of the aisle talked of the dramatic Government orders for body bags. It was as if that was part of their generic talking points for the speeches. I found such rhetoric to be exaggerated, distasteful, and defeatist—intended only to incite fear and loathing. Can you imagine how parents, spouses, or children of our brave men and women deployed to the gulf must have felt when their representatives in Congress spoke such defeatist language during the debate? I pray that once and for all that type of attitude is part of our past in America. Long past.

I trust we have seen the end of the nagging naysayers, hand-wringers, and detractors who have usually only been interested in relegating America to some secondary position in the world because of a lack of their own confidence in the potential of the American people and in the leadership of this country.

Some of the folks who stood up and declared that taking decisive action was only gambling with our future and that engaging in military action would only spell defeat for America are now rushing—head over heels—to get into line in order to state that they supported the President and our troops unequivocally, and want to hail them to the high heavens.

The readiness, skill, and superior technology demonstrated by our troops were a result of intelligent defense policy strongly advocated by past Republican administrations. President Ronald Reagan deserves a tremendous share of the credit here. He held tough with head high. He stood tall, particularly in the face of strong Democratic opposition from the other body—and Republicans have always historically stood firmly for a strong national defense.

We are all so well aware that peace and stability have been most elusive in the Middle East in this century. Because of President Bush's Extraordinary leadership we now have another window of opportunity to pursue these goals in a spirited and vigorous fashion. I look forward to the military cooperation we have witnessed being followed up by similar cooperation in the pursuit of a more stable order in the Middle East and the final resolution of conflicts that have simmered on in the world for so long.

I do believe the United Nations has been richly strengthened by the participation of its members in the efforts to halt and reverse the illegal and immoral aggression in Kuwait. Of course our United States took a leading role in forging a consensus and a coalition that could act decisively to lead to the liberation of Kuwait. President Bush and Secretary Baker deserve so much of the credit for the role they played in working closely through the United Nations to forge such a strong and lasting alliance. It is vitally important that those who would contemplate unlawful aggression or acts of provocation in the future understand that a united world community simply will not tolerate such barbarism and destructive actions.

The American people also deserve such a great deal of credit for their role in this great action. Never have I seen such solid support for U.S. troops. The many acts of support ranged from schoolchildren sending valentines and cookies to our troops, to businesses providing goods and services to our men and women in uniform, contributions to the USO, and the thoughtful and loving support of those family members left behind. We will all remember the beautiful signals of this support—the standing ovations our President received last night, the many flags flying, and the yellow ribbons which were all constant reminders of those Americans serving overseas. This

country has been totally unified in heart and in mind and in spirit. It has been a most gratifying experience to observe it and to be a part of it. President Bush summed it up best when he noted that this is a time for Americans to feel "fiercely proud"—and boy we do.

To George Bush, our fine President: God bless you, sir, for putting an end to the attitude of negativism and defeatism in this country. You are a very good and caring and loving and loyal man.

Mr. President, I thank the President pro tempore of the Senate for his extraordinary courtesies to us this morning. His accommodation is very important to us.

Obviously, there will be things we feel must be said about this operation just as there will be things that must be said by those on the other side of the aisle. That is the essence of this place. No one knows the essence or spirit of this place more than the occupant of the chair. There is no one in the United States of America who knows the Senate and the way it works its will better than the occupant of the chair. I believe if we went back through the record of the President pro tempore's tenure in this body, the phrase "letting the Senate work its will" would have probably, in my mind in my 12 years of observance, been the phrase most frequently uttered by the occupant of the chair. We thank him for that.

Let me flesh out my earlier remarks in a moment more of debate.

There was something that came up constantly during the course of the war that was rather startling to me. It was the phrase issued by some, not in this body, that there was really "no difference" between the censorship of the news media in Baghdad and the censorship of the pool reporters in Saudi Arabia. That is a statement which, I must say, nearly drained the blood out of my toes. There was obviously a tremendous difference. The difference is very clear and so simple that it hardly merits discussion.

The sole and singular purpose of our activities in shielding our Desert Storm forces was only to protect their lives and to save them from injury and harm's way. No other purpose. That was the sole purpose. Did it work? We leave that to history's records. It worked; a 6 weeks' war and 105 casualties—that is how it worked.

On the other side, the sole purpose of the Butcher of Baghdad, as he has been referred to, was to inflame the Arab world. It worked quite well for a time. This is the man who purposefully fired Scud missiles into residential areas; a man who turned the cocks and valves in the fields of Kuwait and who tried to ruin an entire marine ecosystem; that is who we speak of, a man who murdered in hideous ways the people of Kuwait—not just immediately after his attack on that country, but also even as Kuwait's liberation was imminent.

I ask people again to read the extraordinary chronicle of those hideous atrocities in the Amnesty International report. Is there a difference? What a question it is. Yes, indeed, there is. We ought to lay that old canard to rest as soon as possible, without any further debate on what was done, or whether it was censorship, and all the extraordinary posturing that went on with regard to trying to make that bizarre distinction—which fell flat every time it was presented.

Mr. President, I think that pretty well states my views on this issue, but let me now share with you and with my colleagues this quote of John Stuart Mill, founder of the utilitarian movement. It is about war. I thought about it in connection with the early protests against this war. Again, I am not speaking of those Senators opposed to the resolution authorizing force. I am speaking of those people who in good conscience, at least in those early days, protested this war. Most of it was extraordinarily appropriate; some was not. But that is America. That is what makes us unique. But here is his quote:

> War is an ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks nothing is worth a war, is worse. When a people are used as mere human instruments for firing cannon or thrusting bayonets, in the service of and for the selfish purposes of a master, such war degrades a people. A war to protect other human beings against tyrannical injustice; a war to give victory to their own ideas of right and good, and which is their own war, carried on for an honest purpose by their free choice, is often the means of their regeneration. A man who has nothing which he is willing to fight for, nothing which he cares more about than he does about 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. As long as justice and injustice have not terminated their ever-renewing fight for ascendancy in the affairs of mankind, human beings must be willing, when need is, to do battle for the one against the other.

I think John Stuart Mill's quote is one of the most accurate assessments of war and peace and protest.

I thank again the occupant of the chair, the President pro tempore, for his courtesies.

The PRESIDENT pro tempore. The remainder of the period for morning business is under the control of the majority leader or his designee.

The Senator from Nebraska [Mr. KERREY] is recognized.

Mr. DOMENICI addressed the Chair.

The PRESIDENT pro tempore. The time of the minority has expired. Without objection, the time of the minority is extended for an additional 5 minutes. The Senator from New Mexico is recognized.

A PROUD AMERICA

Mr. DOMENICI. Thank you very much, Mr. President.

Mr. President, let me first say to my colleagues that while it seems like only a few years, in January I began my 19th year in the Senate. I have been to some very special joint sessions, but I must say that never have I been to a joint session that was as thrilling as last night's. In fact, I talked afterward with Secretary of State Baker and I garnered from him the notion that joint sessions just do not get any better, and I think that is right.

Why? I think it was such a magnificent event for this Senator because I personally was filled with confidence about our country.

Earlier, from time to time, I have been besieged by people who are worried about America and America's problems, and I begin to wonder if it is the great country that I feel so strongly about. It is a night like last night—and an event in our history like Desert Storm—that revitalizes the energies of those who love this great land. Those people know what a magnificent leader the United States has been since she has been around in this world.

There are a lot of things that have happened that we must be thankful for: Leadership. This country has always, when things were really tough, found leadership. Even though our great President is not comfortable with these kinds of compliments—he would rather say, "It was my job."—I must say, he stood tall last night. In fact, considering the events that just happened and the events that are ahead of us, as we lead a troubled world into what, indeed, may be an era of peace, President Bush may end up with a reputation in history that is as good as his reputation today, and that is among the best.

OUR MILITARY MAKES US PROUD

Having said that, I think we owe a debt of gratitude to our all-volunteer military, to Congress and the American people who funded the military adequately with modern equipment, technology, and training. It all showed up in Desert Storm.

We clearly owe a debt to their military leaders who are probably the best we have ever had. They were the best we ever had because they are committed, dedicated, and intelligent. They learned from some experiences that were not so good for us in Vietnam. Their big commitment was to not let Americans die. We see what happened when we gave them the reins. Every single American who died was too many, but the military leaders saw to it that there were very few.

Mr. President, I watched all those air sorties on television, and I wondered why they did not have accidents. More Americans ran into each other on the highways than these airplanes landing out in the desert and in the ocean. Very few did anything other than do it

right. That came from practice, practice, practice, and the kind of resources we gave them.

So all of that makes me proud to be a Senator whose parents were born in a foreign country and privileged to be born myself in New Mexico. I have always known that our country was a caring country. But when the President talked about our soldiers and their caring attitudes, and then talked about America and Kuwait, it almost brought tears. We went over there to take care of a problem with a little tiny country. We do not ask them for anything. We did our job.

HELPING KUWAIT HELPED AMERICA

While I am at it, might I say we did not ask Kuwait for anything, but how good it makes Americans feel that the Kuwaitis are being good to us. We have helped countries and they forget about us. The little country of Kuwait is going to buy automobiles from our manufacturers, is going to have our contractors work on rebuilding. They are not bashful about saying because it is because we were good to them.

I think there will be a kinship of very, very interesting proportions. In fact, it may last a long time between that little country and our big country. As a matter of fact, that little country may be the catalyst for bringing peace to the Middle East. Is that not interesting? They called the PLO for what they are. Kuwait said, let us get on with peace; it seems to be talking about working with Israel. So from a little country that a big country risked much to help, there might come very, very large positive things for America and for the world.

I want to say to my fellow Senators and New Mexicans, something else came out of that war and it is this: America can do things. Some people still sit around and talk about what we have not done or what we cannot do. I am very, very hopeful that, again, a little part of America, our military through a victory in the Middle East, might teach us that we can do whatever we set our heads to do.

Mr. President, I yield the floor. I thank the Chair.

The PRESIDENT pro tempore. Without objection, the time of the minority is extended for an additional 5 minutes.

Mr. KERREY. Mr. President, I ask unanimous consent that I be given 10 minutes of the majority leader's time.

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

PRIDE IN VICTORY

Mr. KERREY. Mr. President, I listened with great interest to the last statement of the distinguished Senator from Wyoming citing the need and the time to rise against injustice and indeed the time to rise against injustice with sacrifice of one's own life, if necessary, to combat.

The tide, it seems to me, has risen of late. It has carried the President along with it. The feeling I have personally reminds me of a story once told me by a friend of mine, Gary Parrott. His dog, Walrus, had a similar experience to the one that I am having right now.

Gary, who lives on the salt marsh of Hood Canal near Seattle, gave Walrus the command "stay" and set off to chase a drifting boat cut loose by a heavy wind. When he returned an hour later, he could only see Walrus' nose sucking air frantically above the flowing water of the Puget Sound. Walrus had stayed put as the tide rose around him, too.

Although I sincerely believe historians will view America's smashing militray victory much differently than it is currently, I live in the here and now. And here and now I can feel the gnashing maws of GRAMM and GINGRICH chomping on me for having voted on the losing side. I feel like a member of the Cratchett family at Christmas; I am on the outside of a very big party, the mother of all parties as one American soldier predicted.

I made the case for an alternative strategy of military containment and economic sanctions. Not only did I fail to persuade a majority of the Congress, I did not persuade a majority of Nebraskans. And though I take some pride that President Bush stopped justifying our response to aggression in economic terms, assisting our arrival at higher moral ground is not altogether satisfying.

Let me make it clear that I believe victory goes to President Bush, the man who was in charge of this operation from day one of Iraq's invasion of Kuwait. All speculation about what might have been is quibbling. I simply will not be reduced to being a tired old grumbler crying into a beer which only I will drink.

While I can never wear the boastful button of my Republican colleagues that proclaims "I voted with the President" and am thus doomed to the ignominy of the sidelines, my nature will not allow me to be overwhelmed with self doubt. Instead, I choose to participate in the prideful sense that America has just done something good even if I am not invited by the Republican National Committee to do so.

We stopped aggression. We rose up against the outrage of human rights abuse. If we follow through as the President has suggested, we could contribute to a more stable and peaceful Middle East.

General Schwarzkopf is my hero, too. He made me proud to be an American even as I pray we guard against an arrogant application of our newly demonstrated power.

It felt good to be a part of an alliance of Arab and Western Nations joined against a terrible enemy: Saddam Hussein. I am grateful for the low number of allied casualties and deeply impressed with our military's training and technological success.

The coolness of Secretary of Defense Cheney and Gen. Colin Powell impressed me deeply as well. They restored much confidence lost in years past.

Finally, the victory celebration at last night's joint session of Congress was a richly deserved congratulations to President Bush, America's Commander in Chief. The burden of sending men and women into combat assumed by him these past 7 months can for the moment at least be laid down. I applaud his resolve, respect his conviction, and give him full credit for the success of Desert Storm.

Most moving to me was the moment last night when President Bush himself was filled with emotion as he described a scene of four Iraqi soldiers surrendering to an American soldier. The President saw American compassion, raw and unchecked by the need to look tough. This brave willingness to sacrifice self for a stranger is still a powerful, largely untapped American desire.

The smashing 42-day victory has caused those who have worried about the ghosts of Vietnam to declare that we have exorcised this demon as well. These observers of the American psyche who have been worrying about the Vietnam syndrome for the past 15 years hope we have slimed this evil spirit with the blast of Desert Storm.

In some ways I am certain that Desert Storm has accomplished this. I am certain the professional military, many of whom have lived with the memory of Vietnam for the past 15 years, feels vindicated. I am certain Americans feel a tremendous sense of accomplishment; our attitude toward the effectiveness and capability of our military forces has changed dramatically.

The comparison to Vietnam is natural. The size of the American force and the distance traveled to meet the enemy was eerily similar. The officers in charge were veterans of the Vietnam war and insisted that nonincrementalization—their lesson from the earlier war—be accepted by the political leaders who defined the objective: Iraqi withdrawal from Kuwait.

The battle plan accomplished this objective in impressive fashion. In 40 days of air bombardment and 100 hours of a ground campaign American forces led an allied cause to a successful conclusion. General Schwarzkopf got the job done. We finished what we started. We did what we said we were going to do: Not allow the Iraqi invasion to stand.

The Vietnam camparison, while valid in some ways, misses the mark in others. Most importantly the Vietnam war was fought for the freedom of the Vietnamese people. Our concern for them derived from our knowledge of the terror of Communist dictatorship. Like

World War II we were not just fighting an army we were fighting the idea of repression, tyranny, and abuse of human rights.

Desert Storm will not have achieved a very lasting peace nor will we have made certain the high moral purpose is maintained if we do not follow this battle with political and diplomatic efforts on behalf of individual freedom and liberty and justice for the people of Iraq and Kuwait. If all we do is make certain we get our fair share of construction contracts, a low price for Arab oil, and new markets for weapons sales, the sweet taste of victory could become as bitter as the defeat of Vietnam.

For me the syndrome of skepticism about the wisdom and efficacy of American intervention in the internal affairs of other nations had been fading rapidly long before this success. When the Berlin Wall came down and the people of Eastern Europe rushed to embrace freedom, I saw our patient cold war much differently than I had before. When the people of East Germany, Czechoslovakia, Hungary, Romania, and Bulgaria, rose up against the force of their military dictatorships, freedom suddenly took on new meaning for me.

When Nelson Mandela, Vaclav Havel, and Lech Walesa addressed joint sessions of Congress to thank Americans for their willingness to fight for their freedom, I knew I had been wrong to doubt the moral cause of Vietnam. And when I returned to Vietnam and Cambodia last year, I got a further reminder that freedom is not an abstract concept for those who are denied it.

Thus, as proud as I am of our victory and as moved as I am by America's willingness to send a military force to the Persian Gulf to turn back the aggression of Saddam Hussein, my attention is directed elsewhere. My attention is on the 280 million Soviet citizens who are struggling toward political and economic freedom. My attention is on the new democracies of Eastern Europe which are too fragile still for us to be confident of their permanence. My attention is on South Africa and the entire postcolonial continent where hope has still been frustrated and dashed by the cruel events of the past 20 years.

As a follower of the teachings of Jesus Christ I have been taught: "Peace is not simply the absence of conflict, but rather the presence of justice, reconciliation, fullness of life, health, and well being for all people."

My attention is upon the people of Central and South America whose economic and political troubles cannot be solved with operations like Desert Storm. And, my attention is on the people of Asia where a great victory—particularly for the people of China and Southeast Asia—still awaits us.

My attention is also here at home—in Nebraska and all of America—where the same selfless concern demonstrated by that American soldier to the hopelessness of defeat is needed if we are to help a growing number of Americans who are trapped by a life of poverty. Courage may be most difficult when I am asked to fight the selfishness of friends.

My hope is that the tide which carries President Bush's boat will carry America higher as well. My hope is for an America that will be more confident in facing other dangers. Desert Storm has taught us that we can do more than we had thought possible. Let us now come together to do those impossible things we see all around us.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE] is recognized as a manager designee.

Mr. DASCHLE. Mr. President, would you inform the Senate as to the time remaining?

The PRESIDENT pro tempore. There are 30 minutes.

Mr. DASCHLE. I yield 20 minutes to the Senator from Ohio [Mr. GLENN].

Mr. GLENN. Mr. President, before I make my own remarks, I associate myself with the remarks of the Senator from Nebraska. He speaks with authority on this subject, having been a victim himself of having gone into that cauldron of war in Vietnam and having received the very highest accolade the country can ever give in the form of the Congressional Medal of Honor.

The Senator from Nebraska does not mention that; he does not get up here on the floor and say "I won a Congressional Medal of Honor, so you better listen to me, because I know a little bit about what war is all about." But when somebody like the Senator from Nebraska gets up and speaks on this floor, he speaks from the heart and from experience; he knows what it is like to be in combat; he knows what it is like to lead troops in combat, and what it is like to see those fall beside him, and to have parts of his own body shot away. So when he speaks of how he feels and what the ending of the war means, he speaks with authority. The rest of us can listen.

I am proud to associate myself with his remarks.

ADDITIONAL BENEFITS FOR MILITARY PERSONNEL

Mr. GLENN. Mr. President, at the request of the majority leader, I chaired a task force over the past several weeks, a task force of Democratic Senators, to make recommendations on certain personnel benefits for our men and women in uniform who have done such a superlative job during the Persian Gulf conflict, and for their families.

On the other side of the aisle, my good friend from Arizona, Senator JOHN MCCAIN, chaired a similar group of Republican Senators to do the same thing. We have both concluded our work and reported to our respective leaders.

I believe the two task forces have generally similar packages. It is my hope that we can see the results in the form of law in the near future, so these things, some of which should have been taken up a long time ago, in part to correct inequities, can be addressed now that they have been brought to our attention by Desert Storm.

Mr. President, in Desert Shield/Desert Storm we have had the largest deployment of military personnel since the Vietnam war. Right now, we have about 541,000 people deployed in the Persian Gulf area of operation, and some of them are starting home today, even as I speak here on the Senate floor.

We also have had the largest callup of Reserve and National Guard personnel since the Korean war. Thus far, 225,000 Reserve and National Guard personnel have been activated in connection with the Persian Gulf conflict. So, we have called on our military in a very large way to carry out our national security objectives, including combat, not only to address our own concerns but also the security concerns of nations that have joined us from all around the world.

Mr. President, I salute our brave men and women in uniform for their sacrifices. I know that there has been considerable family turbulence and anxiety. Our troops were sent in with very little notice. Normal family life was disrupted. The uncertainty of whether or not there would be fighting, and how long the deployment would last, had to weigh heavily on our troops and their families. And when the fighting started, even more so.

In the flush of the overwhelming success of the military in the Persian Gulf conflict, I hope we do not forget these sacrifices, because they were real, and some paid in blood when the shooting started. Our troops are still there, and they are still exposed to danger even though the shooting has stopped. It obviously will take some time, but I earnestly hope that we can get them home as soon as possible.

I make these points because I believe we have a responsibility to keep faith with our military personnel and their families in providing for them. I am not talking about heaping benefit upon benefit upon them, but making sure we treat them as they deserve to be treated—fairly and compassionately.

It was on this basis that the task force that I chaired reviewed and made recommendations on the various Desert Storm benefits bills that have been introduced.

The proposals that we recommended for favorable consideration came from a great number of Senators, not just

from one or two. They generally fall into the following four categories:

First, to update certain elements of military compensation, such as imminent danger pay, death gratuity pay, and the servicemen's group life insurance plan so that the values of these pays are adjusted to account for inflation and for other changes since the existing pay levels were established.

Next, to provide for the equitable treatment of activated reservists and National Guardsmen by ensuring that they receive the compensation and benefits available to active component personnel, such as medical special pays, GI bill benefits, and transition medical coverage.

Third, to provide financial assistance to family support and child care programs in areas significantly affected by the Persian Gulf military deployment and the activation of reservists and National Guardsmen.

And, last, to provide a safety net for military personnel who are released from active duty at the end of the Persian Gulf conflict, such as ensuring equitable unemployment compensation, and better access to veterans benefits.

Mr. President, I have not gone into the details of all of the proposals that we have recommended because it would take some time, but I do want to include a brief summary of the recommendations of the task force in the RECORD immediately following my remarks, and I ask unanimous consent that it be included.

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

(See exhibit 1.)

Mr. GLENN. Mr. President, I want to make it clear that, in making its recommendations, the task force had no intention of superceding the jurisdictions of the appropriate committees over these proposals. By its recommendations, the task force intended to communicate to the appropriate committees its views for consideration. Obviously, the appropriate committees of jurisdiction consider all relevant information, and make decisions accordingly. For example, the Armed Services Committee marked up several bills under its jurisdiction on March 6, 1991, and reported favorably on the following:

S. 237, introduced by Senator NUNN and others, would increase the monthly rate of hostile fire or imminent danger pay for military personnel from $110 per month to $150 per month, retroactive to August 1, 1990. The CBO cost estimate for this proposal is $187 million for fiscal year 1991, although this is dependent on how much longer U.S. forces remain in the Persian Gulf theater, and the speed of the drawdown.

S. 204, which I introduced, which would authorize the Secretaries of the military departments to recall military personnel to active duty, in connection with Operation Desert Storm, in the highest grade held satisfactorily while on previous active duty. This authority would apply retroactively to the start of Operation Desert Shield/Operation Desert Storm. The CBO cost estimate for this proposal is negligible.

S. 331, a measure previously reported by the committee, which would ensure that survivors of military members are entitled to the payment for unused accrued leave if the member dies on active duty. This authority would apply retroactively to the start of Operatioin Desert Shield/Operation Desert Storm. The CBO cost estimate is negligible.

S. 221, a measure previously reported by the committee, which would exempt military members who are in a missing status from the $10,000 annual cap on the amount that individuals may save under the savings plan implemented by DOD for military personnel deployed to the Persian Gulf in Operation Desert Storm. The CBO cost estimate is negligible.

S. 334, introduced by Senator KENNEDY and others, would authorize $20 million for the Secretary of Defense to provide child care assistance to military personnel serving on active duty, and also would authorize 60 days of transitional medical benefits from the Defense Department upon separation for reservists called to active duty for Operation Desert Shield/Desert Storm and also for certain active-duty personnel involuntarily retained on active duty who otherwise would have retired during this period. The CBO cost estimate for fiscal 1991 is $20 million.

S. 281, introduced by Senator KENNEDY and others, would authorize $30 million for the Secretary of Defense to provide for education and family support services to families of military personnel serving on active duty. The CBO cost estimate for fiscal year 1991 is $30 million.

S. 384, introduced by Senator MCCAIN and others, would delay the effective date of the reduction in CHAMPUS mental health benefits required by section 703 of the National Defense Authorization Act for fiscal year 1991 from February 15, 1991 to February 15, 1992. The CBO cost estimate for fiscal year 1991 is $50 million.

A provision which would authorize reserve component medical personnel activated for Operation Desert Shield/Desert Storm to receive the same special and incentive pays as their active duty counterparts. The CBO cost estimate for fiscal year 1991 is $19 million.

This is another one—very important, I feel. A provision which, I introduced which would increase the death gratuity from $3,000 to $6,000 for survivors of military members who died as a result of service during the period of Operation Desert Shield/Desert Storm. The CBO cost estimate for fiscal year 1991 is $5 million.

I point to this last one in particular because you know most families, perhaps, have a little savings account, and if a member is killed, they want to bring family members in from all over the country, or whatever, for the funeral. They may have some little resources to do that, but many people do not have those resources immediately available.

The death gratuity is something that comes to the family immediately after someone makes the long walk, knocks on the front door, and tells them a family member is not coming home. Within 24 or 48 hours of that visit, there is a follow-up visit to bring the gratuity check that helps in that time when the people may feel the most alone and left out and helpless with regard to getting family members together. The current $3,000 limit on this payment has been in effect since 1957, and is long overdue to be updated. We would update this to $6,000 to give families a little better support in that very difficult time.

Mr. President, another provision would identify the costs of the proposals, $311 million in the aggregate for fiscal year 1991, as incremental costs to be covered by appropriations for the defense cooperation account since it recognizes the unique circumstances that would not have been confronted by our men and women in uniform and their families but for Operation Desert Shield and Desert Storm.

Mr. President, I am pleased to note that the Armed Services Committee accepted, with certain refining amendments, almost all of the recommendations of the task force. I trust the other committees of jurisdiction are on the same track.

Mr. President, we hope to expedite these pieces of legislation through all the various committees of jurisdiction; Governmental Affairs, Finance, Veterans' Affairs and Armed Services, I believe, are the committees most involved in this.

We hope that they can take priority action to act on these proposals, so that, as was originally intended, the Senate may be able shortly to schedule a time period on the floor of 2 or 3 days, and take up all proposals at one time, rather than having them piecemealed out over many weeks of this session of the Congress.

In closing, I thank all of the members of the task force: Senator ADAMS, Senator BENTSEN, Senator BIDEN, Senator BINGAMAN, Senator BRYAN, Senator BUMPERS, Senator CRANSTON, Senator DASCHLE, Senator KENNEDY, Senator KOHL, Senator LAUTENBERG, Senator MIKULSKI, Senator NUNN, Senator SANFORD, and Senator WELLSTONE, and their able staffers, for their hard work.

I also want to pay credit, on my own personal staff, to Phil Upschulte, who did a lot of work in this area; and in particular, to the person who is our

chief staff member on the Manpower Subcommittee of the Armed Services Committee, the subcommittee that I chair that works these manpower and benefits issues, who did yeoman work on this, I want to pay him tribute here today, because he really has done a terrific job on this, Fred Pang, whom I have asked to be with me on the Senate floor this morning.

I hope, Mr. President, we will see this work come to fruition in law soon. To our men and women in uniform and their families, who have served the Nation so bravely during the difficult time we celebrated, along with the President, last evening in a special session, we owe them no less than this. And that is the reason we want to put these items through as expeditiously as we possibly can.

I thank the distinguished floor manager for yielding me this much time this morning. I believe these programs are extremely important. The task force has made its report, now I hope all staffs of Senators, will bring this report to the attention of their individual Senators, so that when he goes to a committee consideration of these issues, he will know exactly what we are looking at here, and also what we are going to be wanting votes for shortly on the floor.

In closing I note that Desert Storm was so successful so fast, that we do not have as much time to get legislation passed as we thought we would before people start coming back. Now we want to get this package of well deserved benefits done and through as rapidly as we can reasonably do it. I thank the distinguished Senator DASCHLE for yielding me sufficient time this morning to address these issues.

I yield back the remainder of my time.

EXHIBIT 1

OPERATION DESERT STORM—MILITARY PERSONNEL BENEFITS

COMMITTEE OF JURISDICTION

Armed Services

(Bill, Sponsor, and Subject)

S. 204: Senator Glenn, Grade of Recalled Retired Military Personnel.

Provides authority for retired military personnel who are recalled to active duty to be recalled in the highest grade they held satisfactorily while on previous active duty.

Cost: Negligible.

Recommendation: Approve (SASC has favorably reported).

S. 221: Senator Glenn, Savings Plan.

Requires DOD to implement a savings plan authorized last year for military personnel deployed to the Persian Gulf at an interest rate of up to 10%.

Updates the law to exclude MIAs from the $10,000 per year limit per individual.

Cost: Negligible.

Recommendation: Approve (SACS has favorably reported).

S. 232: Senator Warner, Servicemen's Group Life Insurance (SGLI).

Increases SGLI from $50,000 to $100,000 and requires the VA to pay a death gratuity to survivors of military personnel who die between August 1, 1990 and the date of enactment of this bill in an amount equal to the SGLI coverage of the deceased at the time of death.

Cost: $50M.

Recommendation: Approve (SASC has favorably reported).

Sequentially referred to Veterans Affairs Committee. The Veterans Affairs Committee favorably reported S. 232.

S. 237: Senator Nunn, Imminent Danger/Hostile Fire Pay.

Increases imminent danger and hostile fire pay from $110.00 per month to $150.00 per month effective August 1, 1990.

Cost: $219M.

Recommendation: Approve (SASC has favorably reported).

S. 281: Senator Kennedy, Grants for Family Support.

Authorizes $10M for DOD to use in providing grants to school-based counseling services.

Authorizes $20M for DOD to use in providing grants to nonprofit family support organizations, such as the Red Cross and YMCA.

Allows activated reservists to retain private medical insurance coverage for their dependents in lieu of military medical coverage with individual premium contributions to be paid for by the government.

Cost: $48M.

Recommendation: Approve (refine process language on delivery of benefits).

S. 283: Senator Kohl, Assignment of Sole Parent and Members Married to Members with Children.

Requires DOD to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available.

Requires DOD to provide assistance to such members in developing alternative plans for care of their dependents when they are absent on deployment.

Cost: Negligible.

Recommendation: Approve subject to modification in language consistent with language approved in S. 320.

S. 334: Senator Kennedy, Child Care for Desert Storm Families and other benefits.

Authorizes $20M for DOD to use in providing child care services for families of military personnel.

Requires DOD to provide grants to qualified child care providers, enter into contracts with qualified child care providers, and issue vouchers to qualified family members for child care services.

Provides 60 days of transition medical benefits to reservists who are deactivated.

Delays effective date of the reduction of certain CHAMPUS mental health benefits to one year following the termination of the Persian Gulf conflict.

Cost: $119M.

Recommendation: Approve subject to deferral of CHAMPUS mental health portion for consideration in FY1992/1993 authorization.

Added Recommendation: Payment of Unused Accrued Leave to survivors of Military personnel. Cost: $3M.

Finance

(Bill, Sponsor, and Subject)

S. 82: Senator Shelby, Withdrawals from Retirement Plans.

Allows penalty free withdrawals from retirement plans by individuals activated for duty in the Persian Gulf.

Cost: Negligible.

Recommendation: Approve.

S. 199: Senator Glenn, Exemption of Military Income from Federal Income Tax.

Exempts military income earned by military personnel while deployed in the Persian Gulf from federal income tax and raises the monthly amount that may be excluded from income tax for officers from $500.00 to $2,000.00 (all pay for enlisted would be excluded).

Cost: $34M in revenues for 1991.

Recommendation: Approve.

S. 205: Senator Glenn, Unemployment Compensation.

Equalizes unemployment compensation for separating military pesonnel to the same entitlement applicable to civilian personnel.

Similar to S. 160 introduced by Senator McCain and referred to the Armed Services Committee.

Cost: $61M.

Recommendation: Approve.

Labor

(Bill, Sponsor, and Subject)

S. 335: Senator Kennedy, Deferment of Government Student Loan Repayments and Augmentation of Military Medical Support.

Provides for deferment on repayment of government student loans for military personnel activated for service in Operation Desert Storm.

Requires educational institutions to refund or give credit to military personnel who are not able to complete a course of instruction because of activation for service in Operation Desert Storm.

Authorizes $50M to HHS for grants to nonprofit medical institutions to assist in replacing military medical personnel activated for Operation Desert Storm.

Cost: $50M.

Recommendation: Approve subject to refinement of language on administration of HHS portion.

S. 382: Senator Sanford, Community Assistance.

Provides supplemental funds to military communities adversely affected by the Persian Gulf conflict for emergency food and shelter programs.

Cost: $20M.

Recommendation: Approve.

Veterans Affairs

(Bill, Sponsor, and Subject)

S. 337: Senator Simon, Montgomery G.I. Bill.

Provides Montgomery G.I. Bill benefits to certain activated reservists.

Cost: Negligible.

Recommendation: Approve subject to language providing for proration of the benefit on the basis of time served on active duty.

S. 330: Senator Cranston, Soldiers' and Sailors' Civil Relief Act.

Increases from $150 to $1,200 the maximum rental amount of a residence from which the family of a servicemenber who has been ordered to active duty may not be evicted.

Expands authority under the SSCRA for automatic extension of a power-of-attorney of a servicemember who is missing in action that otherwise would have expired after July 31, 1990.

Provides that the professional liability insurance for physicians and members of other professions who are ordered to active duty would be suspended upon written request to the insurance carrier for the period of the individual's active duty.

Provides for reinstatement of health insurance, without waiting periods or exclusion of coverage for pre-existing conditions, for a servicemember who is ordered to active duty and his or her family.

Provides for the stay of any judicial action or proceeding (other than criminal proceeding) involving a member of the Armed Forces until after June 1991, if that member applies for the stay and is on active duty and serving outside the State in which the court having jurisdiction over the action or proceeding is located.

Provides that a servicemember may not be discriminated against in terms of creditworthiness and certain other contexts by reason of the exercise of rights under the SSCRA.

Clarifies existing reemployment rights for reservists called to active duty for periods of 90 days or longer.

Cost: Negligible.

Recommendation: Approve (VA Committee has favorably reported).

S. 336: Senator Kennedy, Reemployment Rights.

Provides reemployment rights for activated reservists who were temporary employees and improves reemployment rights for disabled veterans.

Cost: Negligible.

Recommendation: Approve.

S. 500: Senator Daschle, Medical Care for Veterans.

Requires the Secretary of Veterans Affairs to ensure there is no reduction in health care for veterans because of the use of VA resources to care for active duty personnel who are casualties of the Persian Gulf conflict.

Requires the Secretary of Veterans Affairs to contract for replacement resources.

Cost: TBD by CBO.

Recommendation: Approve.

Small Business

(Bill, Sponsor, and Subject)

S. 360: Senator Bumpers, SBA Loans.

Allows activated reservists to defer payments on SBA loans until six months after deactivation, and allows the SBA to make or guarantee disaster loans to small businesses that are adversely affected by the activation of reservists.

Cost: $121M.

Recommendation: Approve subject to modification of language to ensure benefit targets reservists-owners.

Governmental Affairs

(Bill, Sponsor, and Subject)

S. 482: Senator Sasser, Transfer of Accured Leave.

Provides for the voluntary transfer of accured leave by federal civilian personnel to other federal civilian personnel who are impacted by Operation Desert Storm.

Negligible.

Recommendation: Approve.

OTHER PROPOSALS RECOMMENDED BY THE TASK FORCE—NOT IN SENATE BILL FORM

Increase death gratuity benefit from $3,000 to $6,000 (a House proposal).

Cost: $5M.

Waive certification requirement for proficiency pay for foreign language specialists deployed to the Persian Gulf (a House proposal).

Cost: Negligible.

Extend to activated medical personnel the same medical special pays (other than accession and retention bonuses) to which active component personnel are entitled, subject to the same professional qualifications (a House proposal).

Cost: TBD by CBO.

Allow temporary waiver of board certification requirements for board certification pay for medical residents who are unable to complete required training due to assignments required by Operation Desert Storm (a House proposal).

Cost: TBD by CBO.

Allow the Secretary of Veterans Affairs to contract with private facilities to ensure current veterans are not denied health care services in the event VA medical resources are required for Persian Gulf casualties.

Cost: TB by CBO.

Require the Department of Defense to make available to National Guardsmen and Reservists, and recalled retired personnel activated in support of Operation Desert Storm the dental insurance plan for dependents available to active duty members.

Cost: TBD by CBO.

Mr. KENNEDY. Mr. President, I want to commend Senator GLENN on his leadership in chairing a task force of Democratic Senators to assemble a package of needed personnel benefits for the men and women of our Armed Forces who served this Nation so superbly in the war against Saddam's aggression.

I strongly support the package of benefits that Senator GLENN has described here today. I know that Senator MCCAIN is chairing a similar task force on the other side of the aisle. I hope that we will receive the results of that work soon and that we could then move quickly to take up and pass a bipartisan package of reforms. Such reforms are crucial to ensuring that we treat our military personnel equitably and compassionately.

Over the 2 weeks since the smashing victory in the 100-hour war against Saddam Hussein, the men and women who fought on the front lines have received much well-deserved praise. But it is important that we extend this recognition to military families.

In response to Saddam's invasion of Kuwait, nearly one-fourth of our active duty military personnel were deployed to the Persian Gulf. And more than 200,000 reservists were called upon to leave their civilian lives and take up their military commitments to their country.

These troops have performed superbly. But crucial to their performance has been the support of their families here at home. These families have had to make enormous sacrifices. I have witnessed these hardships firsthand as I traveled to military bases in Massachusetts over the past several months.

As a result of the gulf deployment, military families have faced financial hardships, inadequate family assistance services, insufficient child care, and burdensome health care adjustments. These families are the unsung heroes of Desert Storm.

Therefore, it is appropriate that the military personnel package recommended by the Glenn task force includes important benefits to allay some of the hardships borne by military families.

That package includes four provisions that the Senate Armed Services Committee has reported favorably this week. The first provision would authorize $30 million for the Department of Defense to provide additional counseling for military children and enhanced support services for military families. The second provision would provide $20 million for supplementary child care services at overloaded military child care centers. These bolstered family support activities are vital to relieving the burdens of military families.

The third provision would offer returning reservists and their families 60 days of coverage under the military health care system, if they have no private health insurance. It is a national tragedy that so many Americans lack adequate health insurance. Persian Gulf veterans and their families deserve this stop-gap coverage as they return to private life.

The fourth Armed Services Committee-approved provision would delay reductions planned in military mental health benefits. We should not pull the rug out from under military families just when they may be most in need of these benefits.

Finally, the package recommended by Senator GLENN's task force includes two other bills supporting service personnel and their families. S. 335, which the Labor Committee has reported favorably, would defer student loan requirements for personnel serving in the gulf and require colleges and universities to give a tuition refund or credit to military personnel who had to interrupt their education because of the gulf conflict.

S. 336 would update the Veterans' Reemployment Rights Act that protects reservists returning to civilian life at the end of their active duty service. The act's coverage would be expanded to include temporary, as well as permanent, employees. And employers would also be required to provide reasonable retraining for returning reservists and make reasonable accommodations for those who are disabled.

Many wartime hardships are unavoidable, but we should make every effort to address the practical concerns of our troops and particularly the families they left behind. I urge the Senate to act quickly to adopt the package proposed by Senator GLENN's task force.

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized for 5 minutes.

DESERT STORM TASK FORCE RECOMMENDATIONS

Mr. MCCAIN. I thank my colleague from South Dakota; I thank my colleagues on the other side of the aisle for their indulgence. I realize this is the time of the majority and I appreciate their allowing me this 5 minutes.

Mr. President, I rise today to formally submit the Desert Storm Task Force legislative recommendations,

along with my friend and colleague, Senator GLENN of Ohio.

I thank the minority leader, Senator DOLE, for the strong leadership he provided members of our task force. With his guidance my colleagues and I were able to move swiftly, but carefully, in our review of all the many legislative initiatives offered on behalf of our American service men and women.

I would also like to thank other members of the task force, Senators BOND, DOMENICI, SPECTER, SYMMS, COATS, COHEN, CRAIG, GORTON, HATCH, MACK, PACKWOOD, RUDMAN, SEYMOUR, STEVENS and WARNER.

Mr. President, 64 bills related to Operation Desert Storm have been offered thus far in the 102d Congress, spanning the jurisdiction of 10 committees. As you can see, the scope of legislation under our review was vast and diverse. However, the task force was charged by the leadership to employ simple, focused standards to our evaluation of legislation.

Our first standard required that legislation must truly benefit the brave men and women of Operation Desert Storm. Second, for legislation that is not directly related to Operation Desert Storm, the legislation should be of sufficient merit that we would recommend its adoption regardless of events in the Persian Gulf. Third, there should be a degree of urgency related to the legislation requiring immediate congressional action.

The task force has determined that not all these bills provide a direct benefit to the men and women of Operation Desert Shield. Numerous other proposals containing varying degrees of merit failed to meet the criteria of immediacy. Legislation in these two categories were not further considered by the task force, thus narrowing our decisionmaking process.

The legislative recommendations I submit to the Senate today have been determined by the task force to directly benefit Americans who served in the Persian Gulf theater of operations and are composed of initiatives that are both meritorious and meet the criteria of immediacy.

Those recommendations:

Grant unemployment compensation to military personnel involuntarily leaving the service that is equivalent to that received by civilians;

Exclude from income taxation all enlisted pay and $2,000 per month of officers pay for those who served in a combat zone;

Authorize the recall of retired military personnel at their highest rank prior to their retirement;

Exempt MIA's from the cap on contributions to the military savings program;

Increase servicemen's group life insurance [SGLI] from $50,000 to $100,000;

Increase imminent danger and hostile fire pay from $110 to $150 per month, effective August 1, 1990;

Ensure that accrued leave benefits be paid to the survivors of military personnel who perished in Desert Storm/Desert Shield;

Defer student loan payments for activated personnel; refund or credit the tuition lost by called-up personnel;

Defer Small Business Administration loan payments of active duty personnel and reservists adversely affected by their activation;

Delay reduction in military mental health benefits;

Protect Social Security income for children whose parents were activated; and

Waive limitations on income for Social Security and Medicare disability beneficiaries whose income has increased due to Desert Storm related work.

Mr. President, I wish to thank my good friend, the distinguished Senator from Ohio [Mr. GLENN]. As chairman of the Democratic Task Force, his expertise and dedication helped all task force members to discharge our responsibilities quickly and without partisan rancor.

Mr. President, while not all Americans agreed on the wisdom of going to war, we are all united in our support for the men and women who served their countries with distinction in this crisis.

While not all Americans agree about the conduct of the war, we all agree that our service men and women performed with great skill and great courage. We will now build on this common ground to enact legislation that serves no other purpose than to treat the men and women of Operation Desert Storm with the fairness and distinction they deserve. That is the sole objective of the task force's proposals.

As we turn from war to peace, let us make this goal Congress' top priority. Let our endeavors justly recognize the great service that America's Armed Forces performed for America and the world.

I yield back the remainder of my time.

Mr. DASCHLE. Mr. President, how much time remains?

The PRESIDING OFFICER. Approximately 11 minutes are left.

Mr. DASCHLE. I yield the remainder of my time to the President pro tempore.

TRIBUTE TO THE PRESIDENT OF THE UNITED STATES

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, the apostle Paul in his Epistle to the Romans said "Render therefore to all their dues: tribute to whom tribute is due; custom to whom custom; fear to whom fear; honor to whom honor."

Mr. President, I want to render a tribute where tribute is due. I want to render tribute to the President of the United States. Last night was his finest hour, and I believe that it was his finest speech. I give tribute to the President of the United States for the courage he demonstrated when courage was needed, for the firmness that he displayed when firmness was required, and for the magnanimity that he showed to the vanquished when it was honorable to show such magnanimity.

The President is entitled to a great deal of credit, and I have no hesitancy in paying honor where honor is due.

Mr. President, to our troops in the Middle East, for their courage, for their discipline, and for their attention to duty, we owe our thanks.

Pericles, who lived in the fifth century before Christ, said to the Athenians, "Fix your eyes upon the greatness of your country and remember that here greatness was won by men with courage, with knowledge of their duty, and with a sense of honor in action."

Our American fighting men and women demonstrated that kind of courage. They probably did not think it was such a great idea to be over there in the 120-degree heat and in the sands of the desert, but they had a knowledge of their duty. They did not complain.

Time after time we heard them on television saying, "This is what we signed up for. This is what we trained for. It is our duty." So they demonstrated that knowledge of their duty, and that sense of honor in action, as the President called attention last night to that vivid, memorable scene that will always be etched upon our memories of those poor humble emaciated, hungry, thirsty Iraqis who thought they might be killed as they sought mercy and as an American serviceman showed them mercy. What a scene.

Mr. President, the President has earned for himself great credibility, and the challenge ahead in the Middle East is as great if not greater than was the challenge that was met with Desert Shield and Desert Storm.

I hope the President will give to the utmost his attention, his strength, his popularity, and his credibility in responding to the challenges in the Middle East, because the challenge of winning the peace there may be far more important to the future of this country and the future of the Middle East than was even the winning of Desert Storm.

To win the peace there now may save thousands of American lives in the future. Now is the time when the President must take advantage of favorable circumstances and bend himself to that task.

The opposing factions in the Middle East must understand that no one can completely have his own way. The answer to the thorny problems in the Middle East will require that each give up something in the interest of all.

Here on the home front, Mr. President, our own country needs attention: the education of our young people, to which Senator SIMON just addressed his remarks; the rebuilding of our infrastructure. We must remember the needs of our own people, such as roads, mass transit, bridges, and education.

We are told by the National Science Foundation that by the year 2006, this country will need to graduate 24,000 to 25,000 Ph.D.'s in science and engineering annually. But at the rate we are going, we will produce half that many. So we have much to do here at home.

I want to do everything that I possibly can, as chairman of the Appropriations Committee, to build this country's infrastructure, to build our rivers and harbors, our waterways, our airports, our highways, our bridges, and to provide for the education of our young people.

Mr. President, coming from my State of West Virginia, coming from the background that was mine, and with all of the years which have been mine, and for which I thank God, as I said some time ago, I have a strong feeling of patriotism that comes out of that background. It comes out of the recollection of years gone by; it appreciates the sacrifices that have been made by our countrymen. It is rooted in the mining communities, and the hillsides, and the hollows where our little farms are located.

I have been grateful and pleased, therefore, to witness a recrudescence of patriotism that has come out of this time of trial, that has come out of Desert Shield, with people waving their flags proudly, hearing the marching bands, seeing a resurgence of the national spirit that made this country great.

I think that is one of the real pluses that has resulted from this effort behind which the American people have been remarkably unified. That is something which I hope will last.

I am encouraged by this revival of the love for the American flag, the love for America, the support for our fighting men and women, a new belief in America.

Mr. President, I thank God for His having answered the prayers of the families of our fighting men and women, most of whom will be able to welcome home their sons and daughters, their husbands, their fathers. God has answered many prayers, and we ought not forget that.

So as I think back upon the years of the heroic past, for which we can all be grateful as Americans, I also look ahead, believing that that spirit of America, the land of the free and the home of the brave, has been resuscitated.

I close with the poem of Henry Van Dyke, which bespeaks the pride that we have in this great country, in this hour.

'Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings,
But now I think I've had enough of antiquated things.
So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.
Oh, London is a man's town, there's power in the air,
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study Rome,
But when it comes to living, there is no place like home.
I have seen the German fir-woods, in green battalions drilled;
I have seen the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day
In the friendly western woodlands where Nature has her way!
I know that Europe's wonderful, yet something seems to lack!
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,
We love our land for what she is and what she is to be.
Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

SAVOR THIS GREAT MOMENT IN OUR NATION'S HISTORY

Mr. WIRTH. Mr. President, the Congress and the American people joined with the President last night to celebrate an American victory. This event uniquely unites us as a country and we should savor this great moment in our Nation's history.

By every measure, the gulf war was a brilliant military success. We owe a tremendous debt of gratitude not only to President Bush, but also to General Powell, General Schwarzkopf, and our fighting forces. Americans are proud of the performance of our troops, men and women, active and Reserve. We are also rightly proud of the many others who played such a vital role behind the scenes—the planners, the logisticians, defense manufacturers, and so many others. For example, the North American Air Defense Command in Colorado Springs played a key role in tracking Scud launches, passing this information to the theater commanders and in turn to the Patriot batteries.

I am deeply proud of the way America has conducted this war, abroad and at home. The President came to Congress for the authority to commit our Nation to war. The constitutional process worked here at home, even as we faced an international crisis. That is a testimony to our strength as a nation. There were differing views in congressional debate, but once that vote was taken Congress pulled together in unanimous support of our forces and the President.

That vote was a vote of conscious. President Bush himself noted in the State of the Union that there could be differences of opinion about the means to an objective we all shared. That vote was about the means, not the end; not whether Iraq's aggression should be reversed, but how; not whether we might use force, but when.

It would be a tragedy to trivialize this triumph through partisan sniping. Such an effort, after all, cuts both ways. If the Republicans want to politicize this, they can—as some already have—challenge the patriotism of Democratic votes on sanctions versus force. If the Democrats want to politicize this, we could pound away at the pro-Iraqi tilt of the Republican administration in the 1980's: Sharing United States intelligence with Saddam in the war with Iran; selling helicopters to Saddam's regime in 1983; providing billions in agricultural loans in the late 1980's; vetoing sanctions against Iraq last July; and refusing last July to take a hard line when Baghdad began to make noises about invading Kuwait. But that is not what the American people want to get into now as we celebrate the triumph of the American-led effort in the gulf.

This victory is a victory for the whole Nation—not one region, or one party, or one class. This outstanding military achievement shows what the American people are capable of doing when we share a common goal and have the resources to do the job.

The challenge before us now is to harness the unity of purpose, the common effort, the national energy and focus that we shared during the war effort to meet future international challenges and to tackle real problems here at home. George Bush today has enormous political credit in the bank, and this puts him in a unique position to really lead this Nation, to take on the critical challenges for America in the 1990's and beyond.

AMERICA MADE THE RIGHT CHOICES

Mr. KASTEN. Mr. President, we are celebrating today a truly historic military victory by the U.S. Armed Forces. It is important for our national future that we understand the sources of our success.

In the 1980's, many people severely criticized the Reagan-Weinberger re-

structuring of our national defense. They looked at the costs—and assuredly the costs were high—but they turned a blind eye to the benefits. Some even suggested we should call the Pentagon the Department of Procurement instead of the Department of Defense.

How wrong they were, and how thankful our returning soldiers can be today that these views did not prevail.

Because of the preparations we made throughout the last decade, America was ready for this war.

And because our soldiers were ready, they turned "the mother of all battles" into the "mother of all U.S. victories."

So I am especially glad that we should be spending some time today on a discussion of the causes of our victory.

Last night, President Bush was modest. He said this victory belonged to the troops. That's true, but it's not the whole story.

We ought to remember the role of George Bush throughout the 1980's in defending those Reagan policies. In the 1980's, he was in the background, working to enact the military reforms that were necessary to make America strong again. He did this not because he believed in something called defense, but because he believed in what we were defending.

That is how his strong beliefs helped lay the groundwork for the stunning military success of the Persian Gulf war.

So when we talk about defense spending, let's remember what exactly we are defending. Against tyranny, we are defending liberty. Against naked aggression, we are defending peace. And against the brutal bullying of petty dictators, we are defending the little guy.

In short, what we are defending is our national character. We are defending our right to be known worldwide as the good guys.

I am not saying we are the world's policeman. No country has ever been strong enough to right all wrongs, and defend all innocent victims.

But the bottom line is this: If we can make a difference for the better, we ought to. That is the American spirit.

And thanks to our wise choices in the 1980's, that American spirit of courage and self-sacrifice is today being celebrated with tears of joy in Kuwait City.

TRIBUTE TO JOHN DOHERTY

Mr. DURENBERGER. Mr. President, I rise today to salute the memory of a Minnesotian who will be missed by his family, friends, and community. Before his untimely death, John Doherty exemplified all that is great about grassroots involvement in the American system of politics. He and his wife, Marie, were active in the Independent-Republican Party in Minnesota. They dropped literature and were fundraisers. He was a candidate on the city, State and national levels. His friends say he served the party in ways too many to mention and always cheerfully.

Mr. President, I ask unanimous consent that the full text of John Doherty's obituary which appeared in the Star Tribune be entered into the RECORD.

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

JOHN DOHERTY, 77; HE OFTEN WENT AFTER PUBLIC OFFICE

John Doherty, 77, a frequent candidate for public office, died Tuesday in an auto accident on Highway 55 in Medina.

An independent Republican, he ran unsuccessfully for the Minneapolis City Council in 1973, 1975, 1977 and 1979; for the State senate in 1975 and 1976, and for the House of Representatives in 1974 and 1980. His last race was for the Minneapolis Board of Estimate and Taxation in 1981.

Doherty seldom spent more for his campaigns than the filing fee. He often had no volunteers and no signs and campaigned only by telephone.

"His mother was a staunch Republican and she instilled the values of that party in her children," said his wife, Marie.

Doherty, of north Minneapolis, was born and raised in Brighton, Massachusetts. After finishing high school he moved to Washington, D.C., to work as a page for Representative Robert Luce and Senator Henry Cabot Lodge, Jr. At the age of 27 he ran for the state Senate in Massachusetts, losing by only three or four votes, his wife said.

He attended Harvard University, the University of Pittsburgh, and Pennsylvania State College and served in the Army for 3 years during World War II. He moved to Minneapolis when he was discharged in 1945.

He was an industrial auditor in the Twin Cities for 35 years before he retired at age 65. He had been commander of the Disabled American Veterans Post I and American Legion Post I. He was a life member of the Knights of Columbus Council 435 and a member of the Blue Goose Insurance Auditors.

Besides his wife, survivors include a brother, Paul of Braintree, Massachusetts, and a sister, Rita Hornyak of Oakton, VA.

TRIBUTE TO VIOLA HYMES

Mr. DURENBERGER. Mr. President, I rise today to honor the memory of a Minnesota woman who made great contributions to her community and who was, for 25 years, my friend. Viola Hymes died recently, and she will be missed. I ask that the text of David Chanen's article about Viola Hymes, which appeared in the Star Tribune, be entered into the RECORD in its entirety.

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

VIOLA HYMES, LEADER ON EDUCATION, AGING

Viola Hymes always seemed to be one step ahead of her time.

In the 1940s, she was an outspoken advocate for women's rights. As a Minneapolis school board member and frequent appointee to local and national committees, she helped mold public education policies during the 1960s. And in the 1970s, she lobbied for a growing and often ignored sector of the population—the elderly.

Hymes, 84, of St. Louis Park, died of a stroke Friday, March 1, at Methodist Hospital in St. Louis Park.

As a member of the Minneapolis school board from 1963 to 1969, she became one of the city's leaders in educational issues and funding. She was appointed by former Minnesota Governor Orville Freeman to a White House Conference on Education in 1955 and was a delegate to the White House Conference on Children and Youth in 1960.

"The schools must provide education for scientists, poets and good skilled workers," she was quoted as saying in a 1963 newspaper article. "We can't teach uniformly anymore. We'd defeat our ends."

She was a charter member and later chairwoman of the Minneapolis Citizens Committee on Public Education. She also was a member of the Superintendent's Advisory Committee on Personnel Practices for the Minneapolis public schools and the Minnesota State Board of Education's Advisory Committee on Curriculum in the Language Arts during the 1960s.

For her work in public education, she received the Woman of Distinction Award from the American Association of University Women, the state's Outstanding Achievement Award, the Mayor's Award for Meritorious Service to the City and special citation from former Governor Harold Levander.

In 1973, she was named chairwoman of the first Metropolitan Advisory Committee on the Aging. She brought a greater public awareness of issues affecting the elderly, such as health care, economic status and retirement. She retired from the position in 1980.

In 1984, she spoke at a celebration of Eleanor Roosevelt's centennial birthday. She had met Roosevelt when they were appointed by then-President John Kennedy to serve on the President's Commission on the Status of Women.

She also was president of the Minneapolis section of the National Council of Jewish Women from 1938 to 1942. She held various positions on the national level before she was elected the group's president and international vice president in 1959. During her term, the organization raised $1.2 million to build a teacher training school at the Hebrew University school of education in Jerusalem. She received the council's highest honor, the Hannah G. Solomon Award in 1975.

She was born in Chicago, graduated from the former Minneapolis West High School and earned a degree in education from the University of Minnesota. She taught English and speech in Superior, Wisconsin, and East Chicago, Indiana.

She is survived by two sons, Alan, of Burlington, Washington, and Richard, Edina.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

STRENGTHENING AMERICA: THE DEMOCRATIC AGENDA

Mr. DASCHLE. Let me commend the Senator from Ohio for providing the kind of leadership commitment that he has. Certainly he has taken what has been an immense task in providing the comprehensive response expected of

the Senate as we continue to demonstrate our commitment to those who have performed so ably in carrying out the responsibilities of Desert Storm.

I ask unanimous consent that the time for morning business, under the control of the majority leader or his designee, be extended until 12 noon; and that the remaining time on the Specter amendment to the RTC bill be utilized when the Senate resumes consideration of that bill following the disposition of Congressman MADIGAN's nomination.

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

The period for morning business is extended until 12 noon.

Mr. DASCHLE. Mr. President, there are a number of people who will be speaking in the next 40 minutes. In order to accommodate all of them and their contributions to this special request for time, let me be brief this morning.

I rise, first, to commend the President for his speech last evening, and the leadership which he has shown with regard to the Persian Gulf. Last night was a euphoric moment, a moment of celebration and a moment when Democrats and Republicans alike stood with pride and a great deal of satisfaction in a job well done.

The President called upon the country to recognize the commitment made by our Joint Chiefs of Staff, by those who were in leadership positions in the Persian Gulf, and certainly the commitment made by the troops themselves. So, too, must we especially give thanks for the ultimate sacrifice made by those who have lost their sons, husbands, and brothers in the gulf, who come home recognized as the heroes they were in giving their life for their country.

Democrats and Republicans, this morning, recognize especially that sacrifice, and share in the sorrow for those lives we lost and in the gratitude the President so capably articulated last night, as we consider this special moment in American history.

The President challenged the Congress and the American people, now that the war is over, to draw upon the same unity that we have demonstrated in the Persian Gulf as we turn now to domestic concerns. He was right to do so, to express his desire to maintain the kind of rare cohesion exhibited in the gulf as we address the many issues that we as a nation now must face with the legislative agenda in the 102d Congress.

We share his expressed determination in that regard. We rise this morning to talk about the agenda and some of its components in particular that are of great concern to us. As we examine the many needs that we as a nation face, as we consider the challenges that we must address in the coming months, we come to the conclusion that there is as much of a need here at home to demonstrate our commitment to real national strength as there was such a need in the gulf.

We understand, as we look to the agenda in the 102d Congress, the importance of rebuilding that strength. As we consider each of the parts of our agenda, as we look to the domestic challenges we face, evidence of need for new strength returns again and again. Democrats believe that America must demonstrate a resolve, a cohesion, a commitment to rebuilding that strength within our people—our children, our families, our businesses and our institutions.

For the first month or so of this year, Democrats took under careful examination the number of challenges facing and undermining America's strength today. Obviously, at first it was an America at war, an America that saw the resources, the talent and virtually the entire attention of a nation focused on the challenges that we faced in the Persian Gulf. Now, as we have seen an end, a successful end, to that challenge our attention turns to caring for the troops as they come home, to caring for their families, recognizing the continued role, the responsibility, that we have as a great nation to meet their needs entirely. We also understand the need to resolve the outstanding issues in the Persian Gulf. And, indeed, we as Democrats fully intend to work hand in glove with the administration in continuing to press forward on those matters and other international issues in the coming months.

But we also must now recognize the domestic agenda and the need to continue to enhance our strength here at home. We see real American opportunity in strengthening our economic base by enhancing the components needed for a healthy and viable economy at home and by fortifying competitiveness abroad. America is in a recession. We recognize that more than a million Americans who had jobs last year are out of work today. We recognize that bankruptcies are rising. We recognize that American manufacturers' share of the world consumer electronics market has shrunk from 70 percent to 5 percent in the last 20 years and that people are concerned about their economic future. So providing American opportunity must be an important part of rebuilding American strength.

We recognize, in working as we are right now to enhance the Resolution Trust Corporation, the need to rebuild our financial structure, the importance of finance and the rebuilding of a financial system that responds to the needs of the American people yet is more competitive in the international marketplace. We must continue to face the S&L debacle, as we are this very day. The U.S. banking system is now in need of attention, and we understand that urgent action is required to strengthen that system and make some fundamental reforms.

Finally, we see American opportunity in the challenge posed in creating fairness in budgeting and taxation that does not exist in many respects today. We oppose further tax breaks for the rich and insist that the wealthiest and most powerful Americans bear their fair share. This issue will be revisited in many ways in the coming years, as we address the agenda for the 102d Congress. It will be an important part of reestablishing American opportunity and in so doing establishing newfound American strength.

As we look to American strength perhaps the most fundamental aspects of that strength may be those we address today in health, education and in regard to our children. The distinguished Senators from West Virginia and Illinois will address those components, so I will not elaborate right now. Needless to say, we need the kind of national leadership shown so capably in the Persian Gulf as we address fundamental reform in both health and education today especially as they pertain to our children and families.

America's strength is also undermined today by some of the problems which beset our own democracy. We need to return citizen influence to politics through a limit to total political spending in Federal elections, by providing reforms and through limitations on the influence of special interests. We will be doing that later on this year by addressing campaign finance reform once again. There is no higher legislative priority within our caucus than the need to address campaign finance reform effectively.

Finally, if we are to enhance real American strength, Democrats recognize the urgent need to reduce the evidence of crime that we have in this country today by ensuring that our police and prosecutors have the tools they need to bring criminals to justice, by seeking even better ways to prevent crime, by providing that crime victims are treated fairly, and by educating our young about the dangers of drug abuse. The distinguished Senator from Florida, Senator GRAHAM, will address this concern in greater detail this morning.

We also must address American resources, Mr. President. We understand that American resources are critical to the determination of American strength. It is critical in determining energy policy that we understand the importance of developing our own resources under proper environmental constraints. We recognize that environmental balance is critical to the development of energy supplies within our own country. But we recognize, too, the importance of real energy independence. This country has not had an energy policy for the last 10 years by

design. This administration and the last—have failed to produce one.

Democrats recognize that we can wait no longer. We recognize that important elements within energy policy involve real energy conservation, and the importance of energy alternatives in addition to the successful development of our own resources. American resources are an important element of American strength, and we need to utilize them in a far more intelligent and comprehensive way.

This country has made significant environmental advancements in the last couple of years. Yet so much more needs to be accomplished. EPA has missed most of the deadlines under the Superfund law. We have lost more than 500,000 acres of wetlands every year; 50 percent of the operating landfills will be shut down in the next 5 years. Thirty percent of our Nation's lakes, rivers, and estuaries cannot support uses such as swimming or fishing. There can be no argument about the importance environmental policy must play in conserving natural resources and in recognizing the relevance of the environment to American strength today.

Mr. President, we are pleased to propose the Democratic agenda today. We propose it as the blueprint for action for the next 21 months. We recognize the importance of sharing this agenda with the country and certainly with our Republican colleagues as we emphasize our desire to work together while demonstrating the consequences of unity and the importance of focus, the importance of leadership, and the importance of resolve.

I ask unanimous consent that the entire agenda be printed in the RECORD.

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

STRENGTHENING AMERICA: THE DEMOCRATIC AGENDA

(Legislative Agenda of the Senate Democratic Conference for the 102d Congress, February 6, 1991)

America is now at war abroad and we must work to see that it is swift and decisive with the least possible loss of life. We have a grave responsibility to half a million of our fellow citizens who bear the burden of battle—to support them now and respect them when they return.

There is nothing a democratic society can do that is more difficult than to ask a few to risk everything in behalf of the many who risk nothing. We've done that. Our troops deserve our full support and we are determined to see that they receive it.

As critical as the Gulf conflict is, we must also address the urgent problems here at home. Our responsibility is not only to support the men and women serving in the Persian Gulf, but to build an America worthy of them for their families and their children. We must put our own house in order.

It is strength at home that enables us to project strength abroad—and it is strength at home that determines the quality of life of our people now and in the future.

America today has serious problems at home—problems that cannot wait—and Democrats in Congress are determined to face these home front problems now—and to push ahead with the strengthening of America and the creation of more and better jobs for our people.

Today our economy is in recession—and in the months ahead Senate Democrats will put forward economic policy and stabilization initiatives designed to end the recession and put America back on a path of widely shared economic growth.

A central and guiding goal of our efforts will be to double the annual rate of U.S. productivity growth with new emphasis on:

Increased investment in the education and training of our national workforce.

Greater investment in research and development and technology advancement.

Major new efforts at rebuilding America's deteriorating infrastructure—our roadways, water systems, and the new kind of infrastructure America needs to compete in the information age, including a national network of "information superhighways."

Increased savings, capital formation, and capital investment.

Many times our solutions lie not with the creation of new programs but with the proper oversight and administration of programs which already exist. Through careful examination of federal spending priorities and a commitment to make certain that each dollar is spent prudently, Senate Democrats will set as a high priority an aggressive effort to scrutinize all federal activities.

Our legislative agenda in the 102nd Congress will include the following ten key priorities that will help rebuild and strengthen America.

AMERICA AT WAR

In the world . . . support for our troops in the Gulf; more equitable burdensharing in a more stable world; redoubled effort at arms control and non-proliferation; a commitment to American values in American foreign policy; sustainable development; and economic security for America.

Senate Democrats stand behind our fighting men and women in the field and when they come home. We give highest priority to supporting the troops engaged in Operation Desert Storm through initiatives to provide deserved benefit programs to active duty and reserve military personnel in the Gulf. We recognize the courage of one nation, Israel, which has done much by its brave refusal to be provoked. The crisis has given us powerful new proof of Israel's friendship.

Senate Democrats also are committed to providing our veterans and their families with the very best medical care, compensation benefits, and services.

The U.S. will remain the pre-eminent power in world affairs, but we can no longer afford to take on sole responsibility for world police actions. Collective security requires collective action. America's allies must shoulder their fair share of the burden of collective security. We also are dedicated to strengthening international institutions, such as the United Nations and regional organizations, to help build and sustain a world of peaceful diversity.

At the top of this new international agenda must be a genuine effort to control proliferation of weapons of mass destruction—nuclear, chemical and biological—and the means to deliver those weapons.

The awesome destructive capacity of "conventional" weaponry and the negative impact of certain past United States arms sales obliges us to assert new leadership to provide for effective international control of the world arms trade.

American foreign policy must reflect American values. Our commitment to democracy, development, and human rights must not become victim to cynical power politics. We cannot oppose repression in one place and overlook it in another.

As we seek to prevent the spread of weaponry in the Third World, we must also rededicate ourselves to the unfinished business of nuclear arms control with the Soviet Union. The ominous political trends in the Soviet Union make nuclear arms reductions more urgent than ever.

AMERICAN OPPORTUNITY

Most importantly, in strengthening the American economic base . . . by enhancing the components needed for a healthy and viable economy at home and fortified competitiveness abroad.

We are in a recession. More than a million Americans who had jobs last year are out of work today. Bankruptcies are rising. American manufacturer's share of the world consumer electronics market has shrunk from seventy percent to five percent. People are concerned about their economic future.

We can strengthen the American economy by reducing the federal budget deficit to reduce the demand for foreign capital and free up domestic funds for long term investments.

We must strengthen the economy as well and renew our commitment to Civil Rights by ending discrimination in the workplace and insuring that all Americans have an equal opportunity to find and hold a job.

Senate Democrats also will offer a technology policy to improve our ability to commercialize critical technologies, to improve manufacturing, and to maintain our scientific edge. We also support a capital formation policy to address the real problem of high capital costs through a number of policy changes including incentives for savings through retention of Individual Retirement Accounts, new mechanisms for funding start-up firms, and accounting changes to reduce speculation and promote long term investment, especially for small business. We understand that increased investments in education, workforce training, bridges and highways, telecommunications, and industrial research and development will reap economic benefits by improving the productivity of American workers and industry.

Our country's enormous trade deficit, particularly with imported oil and manufacturing products, continues to be a major, unaddressed economic problem. Abroad, this country must work with our trading partners to expand and open markets. The U.S. should continue to aggressively pursue multi-lateral agreements that allow for increased free trade. A more open trading system can only benefit our economy and those of our partners. However, we also recognize that free trade must be fair as well. There is a need for continued bi-lateral discussions with our trading partners to eliminate unfair trade practices and open closed markets. In some cases, other nations' professed allegiance to "free trade" is more rhetoric than substance. Senate Democrats believe in free trade but also believe that we and our economic competitors should play by the same rules on a level field and will take legislative action to achieve fair trade and a level playing field.

One way to improve our competitiveness is to liberalize our outdated export laws to allow for increased opportunities for American businesses. In recent years, our manufacturers' success in exports has been a bright spot in the trade picture. But Senate

Democrats want to open more opportunities and help American firms do better still. Prompt passage of the Export Administration Act Amendments pocket-vetoed by the President last fall will remove many of the obsolete obstacles that hamper American firms' efforts to compete with manufacturers in Europe and Japan.

Finally, we also recognize that agriculture, in all its varied components, is a vital part of our economic base. Agriculture has been, and remains, the largest positive contribution in our fight for a positive trade balance. We will ensure that agriculture is strong at home, with a level playing field in international markets.

In finance . . . by rebuilding a financial system that responds to the needs of the American people and is more competitive in the international marketplace.

Coming after the S&L debacle, the U.S. banking industry is now in deep trouble. With major failures like the Bank of New England, the Congressional Budget Office now predicts the federal insurance fund will go broke by year end—requiring another taxpayer bailout. Urgent action is needed to strengthen the banking system.

This year, Senate Democrats will work to modernize the laws that govern our financial institutions to help ensure that our banks are strong both here at home and in international markets. Rebuilding the Bank Insurance Fund (BIF) and a complete overhaul of the deposit insurance system should be the heart of any financial reform package. Nothing will do more to protect American savings and help ensure that an S&L crisis never happens again.

When reforming deposit insurance, it is absolutely imperative that we work to limit taxpayer exposure. But this must and can be accomplished without undermining confidence in our financial system and without bankrupting the industry.

Beyond these two important reforms, we must look to streamline the regulation of our depository institutions and open new areas of investment that are both safe and profitable. The current regulatory system is plainly inefficient and can work to encourage risk taking.

Banks and S&L's are not the only part of the financial system in need of attention. The financial markets, including the stock markets, are viewed by many as a casino which rewards short term speculation rather than long term investment.

Senate Democrats will promote an open debate and reexamination of the way in which we make investments. Productive long term investments are the foundation of economic growth. However, our financial system seems geared more to speculation and the creation of paper wealth. Our initiatives will lengthen the time horizon of investors and reduce the current bias in the financial markets toward short sighted speculation. Unless we adapt our time horizon, more productive investment and long term economic growth will continue to fall beyond our grasp.

With honesty and fairness in budgeting and taxation . . . by opposing further tax breaks for the rich and by insisting that the wealthiest and most powerful Americans bear their fair share.

The past ten years have changed this nation into one in which the richest twenty percent of all Americans earn more than all of the rest of our people combined. While the disparity between the rich and the rest of America continues to grow, average family income has declined.

The Congress has already passed legislation easing tax-filing requirements for Americans serving as part of Desert Shield. One of our our highest additional priorities will be to demand greater fairness for everyone else in our tax system. Building upon our efforts in the 101st Congress, Senate Democrats intend to lessen the tax burden on working families while asking those with the ability to pay to bear a greater share of the income and social security tax responsibilities.

Honesty in budgeting remains a subject of interest to Senate Democrats. Congress last year produced a budget agreement which requires the Administration to include in their yearly budget submission the annual increase in debt subject to limit as a measurement of the deficit. The Omnibus Budget Reconciliation Act of 1990 also requires that the Administration's budget list the balances of all trust funds. And Social Security trust fund revenues and outlays no longer are included in deficit figures. Senate Democrats will continue to press that the letter of the law be followed to make certain all Americans receive a fair and honest assessment of their partnership with the federal government.

AMERICAN STRENGTH

In health and education . . . by addressing costs, access, and quality.

We cannot rebuild America unless we invest in the health and education on the American people.

We spend more on health care than any other country. We receive the best care—but only for those who can afford it. A lot of Americans are left out. As many as thirty-seven million do not have health insurance. And we don't have any policy on what will be the crisis of this decade: Long-term care for the elderly.

Efforts to expand access to high quality, affordable health care for all uninsured Americans will have high priority for Senate Democrats in the 102nd Congress. Special emphasis will be placed upon providing those expectant mothers in need with access to adequate prenatal care. We will place special emphasis on prevention strategies in areas such as food safety, drug treatment and AIDS.

The representation of women in medical research has not always been what it should be—diseases that exact a disproportionate toll on the female population are frequently underrepresented in medical research. This will no longer be the case—the Women's Health Equity Act will upgrade research, services and prevention for women's health. In addition, Senate Democrats are committed to maintaining reproductive options for women and their families.

Building upon our efforts in the last Congress, it is our intention to review reforms in both Medicare and Medicaid payment systems, as well as affordable and adequate health insurance coverage for all Americans, including individuals, families and small business.

Finally, we will continue to address the urgent need for long term care for both elderly and disabled Americans during the two sessions of this Congress.

We can provide better health care at less cost. We must learn to do more with less.

Nearly 30 million Americans cannot read, write and compute at an eight grade level. Within the next 10 years, nearly thirty percent of today's jobs will disappear, and a large percentage will not require four years of higher eduction. Reform and accountability in our nation's schools is imperative, as is the greater accountability of television in the public interest.

Early childhood health and education initiatives, such as nutrition and literacy, are critical to improved American strength. We must ensure that American students receive a high quality education and that the skyrocketing cost of higher eduction and the burden this imposes on middle income families will be addressed so that our country can compete in the global economy.

In its determination to set education as one of its highest priorities in the Congress, Senate Democrats intend to insure that educational goals are defined and that an honest assessment of our deficiencies and our programs toward meeting those goals is provided to the people. It is also our intent to clarify and monitor the standards by which these goals are measured.

We know that merely throwing money at this problem will not work. Government needs to support, not obstruct, efforts of parents, teachers, and community leaders who are struggling at local restructuring efforts.

Of the many goals to be addressed, one which will receive special priority will be the long term elimination of illiteracy. Much more must be done to prepare students for school, and help them stay there. We must challenge our educational system to involve parents more pro-actively in their children's education, both at school and in the home.

Access to both vocational and higher education will receive special attention in the 102nd Congress. The reauthorization and enhancement of current federal efforts in both areas will receive both careful scrutiny and significant support.

Finally, special attention needs to be given to establishing a youth apprenticeship system in our schools which specifically addresses the needs of those high school students who do not go to college in order to properly prepare them to meet the demand for skilled labor markets.

For children and families—by understanding the impending social calamity, by responding with the full utilization of the policy tools available, and by searching for new ones.

There are some sixty-four million children in the United States. At current dependency rates, sixteen million, or one-quarter, will be on welfare before they have reached the age of eighteen. For minorities, the proportion will be one-half. Children now make up the largest proportion of poor persons in the United States. There is no equivalent in our history to such a number or such a proportion.

Much of this is new. This circumstance was not as recognized during the era of the New Deal, a half century ago, nor during the era of the Great Society, a quarter century ago. It marks the emergence of a new issue in social policy. The issue of dependency. It is necesary to force ourselves to recognize just how suddenly this has come upon us. The defining criterion of dependency is family structure.

These are the signs that many of America's children and our nation's very future are at risk. Moreover, all but the most affluent families in America have experienced significant economic pressures since the mid-1970's. Stagnation in wages for working parents, the rise in single-parent households, and the escalating costs of living have all made it more difficult for families to raise their children.

Poverty is by no means the only "culprit" in the problems of children. Drugs, depression, poor educational performance, inad-

equate health care, and other dangers affect children throughout our society, they are the result of many factors in and out of the home.

Actions must be taken to support children by helping families to become economically secure. Leadership and resources must be invested in giving all children an opportunity to obtain the education, health care, support, and values they need to become fully productive citizens and workers.

The Family Support Act of 1988 introduced a wholly new concept to address the changing family structure-based on a new social contract. Dependent mothers were to exchange effort for assistance. They must be enabled to work and expected to work. Most married mothers of young children are now in the work force. Absent fathers must be required to provide child support. Child health services—Medicaid—must be allowed to continue in place while mothers make the transition to the world of work.

To grow up successfully, children need attention and support at every stage of development. Parents hold the first and foremost responsibility for children; government, employers, the media, and the community also have a critical role to play. All working families in America should have access to safe and affordable child care in the setting of their choice. Working parents should be assisted in their efforts to balance work and family responsibilities. For example, a reasonable period of job protection must be available to care for a newborn or a child who is ill.

Adequate prenatal care and special emphasis upon the need to provide all children access to adequate nutrition, full immunization against childhood diseases and necessary health care must be secured. Finally, greater access to proven concepts such as WIC and Headstart, deserve strong support.

It is now the task of the national, state, and local governments and private agencies throughout the land to make this effort work. We pledge to do just that. We understand that a social calamity which has taken a near generation to come about will take a near generation to remedy. We have shown this endurance in the past; we will now.

We also serve the children and families of America by ensuring that they have decent, safe, adequate housing. Ignoring the need for public housing, and failing to encourage private housing development have been a disservice to both our nation's children and their families.

There are millions of children on our streets today who have been terribly hurt by this social convulsion and must be helped. The first task of any society is to create citizens. We are not doing that today for a quarter of our children.

In democracy . . . by returning citizen influence to politics through a limit on total political spending, ethics reforms, and limitations on special interests.

A Senator must raise over fifty thousand dollars per month every month of his or her six year term just to meet the average cost of re-election. In just over one decade (1976–88) political action committee contributions soared from fifteen percent to thirty-three percent of all contributions in congressional campaigns. Since 1956, broadcasting costs have jumped from six percent to eighty percent of the cost of contested campaigns.

In the 102nd Congress, Senate Democrats have proposed tough, practical laws to create comprehensive campaign reform. The only way to get at the core problem in campaign finance is by setting a limit on total spending. Such a limit is the central feature of our campaign reform plan and must be a major component of any serious reform proposal adopted by the Senate.

Broadcast costs are by far the biggest outlay in every serious campaign. Through vouchers and/or reduced cost time, we propose both to ease these costs and to encourage compliance with the spending limits which lie at the core of our plan.

Political action committees, though initially proposed as a way to limit the influence of large donors, have at times been too dominant an influence in the process. Senate Democrats will continue to seek the elimination of undue influence from both large donors as well as political action committees in the 102nd Congress.

In the fight against crime . . . by ensuring that our police and prosecutors have the tools they need to bring criminals to justice, by seeking ways to prevent crime, by providing that crime victims are treated fairly, and by educating our young about the dangers of drug abuse.

The plague of crime remains one of our Nation's major problems. Every nineteen seconds, another violent crime takes place. Every three seconds, there is another property crime. The number of murders in our nation's cities is increasing dramatically. And the plague of drug abuse continues to infest our entire country.

The crime statistics are appalling, but to some they fail to convey the very real human misery behind the numbers. Real people are getting killed around our country. Each has a history; most have family and loved ones left behind.

The fight against crime and drug abuse must be a top national priority. And the men and women who wage that fight should know that their calling is as noble as any in our society. Just like our brave soldiers abroad, police officers put their lives on the line for their community. They deserve the nation's support.

To assist local police in the fight against crime, Senate Democrats will provide financial and other support for state and local law enforcement, increase the number of FBI and DEA drugfighting agents, develop innovative approaches to law enforcement and crime prevention, advocate tough enforcement of federal laws, ensure that victims get adequate assistance, and set an example of leadership for the rest of the nation. Senate Democrats support continuing strong, anti-crime and anti-drug legislation which deals with the ever pressing drug use, including education, rehabilitation, and enforcement. Along this line, the Democrats support all or major portions of the Biden Anti-Crime and Drug Control Act of 1991, the Outlaw Street and Motorcycle Gang Control Act of 1991, and the Violence Against Women Act of 1991.

Finally, this year's reauthorization of the Family Violence Prevention and Services Act will provide an opportunity for a disciplined, coordinated response on the part of federal, state and local governments to the growing scourge of domestic violence against women and children.

AMERICAN RESOURCES

In energy . . . by building a comprehensive policy to end dependence on foreign oil and by conserving our precious resources.

For ten years we have had no energy policy. As a result, our nation is more dependent on foreign sources than at any time in its history. Japan and West Germany both now produce about twice as much GNP per unit of energy as we do. Our reliance upon oil from the Persian Gulf has been given by the Administration as one of the main reasons for the war with Iraq.

During the 102nd Congress, Senate Democrats will forge a comprehensive energy strategy, including the development of domestic resources, aggressive efforts to encourage viable energy alternatives, and a national plan to conserve effectively the energy we use today. Our strategy also will reduce environmentally harmful emissions, such as greenhouse gases, acid rain precursors and local air pollutants.

The importance of new conservation efforts must and will be underscored as the cornerstone of the Democratic Conference's energy policy. The federal government must first set an example and then set a policy to promote, and in some cases, mandate, tough new conservation and energy efficient initiatives in transportation, utility, and building sectors.

Environmentally sound exploration and production of both domestic oil and natural gas will be strongly supported. Continued use of coal will be enhanced through the development of clean coal technologies.

Finally, we believe that continued efforts to pursue alternative energy development is critical to a national plan. Through the utilization of new technology and research, financial incentives, and nationally coordinated plans, renewable energy policy can and will play an increasingly important role. This energy strategy will emphasize cost-shared demonstration of the most promising technologies in solar, wind, geothermal and biomass energy, as well as research on hydrogen and other future energy sources.

And in the environment . . . by building upon the achievements of the past two years.

EPA has missed most of the deadlines under the Superfund law. We lose more than 500,000 acres of wetlands every year. Fifty percent of the operating landfills will be shut down in the next five years. Thirty percent of our nation's lakes, rivers and estuaries cannot support uses such as swimming or fishing.

A major legislative goal will be to reauthorize and strengthen existing laws to protect our water, ensuring our water is safe and free from contaminants. It is also our intent to examine carefully current efforts to address our solid waste problem. Every attempt must be made to coordinate the effort at every level of government with special emphasis in providing local authorities ample assistance in meeting our national goals. We intend to move aggressively on the cleanup of hazardous waste sites at federal facilities.

Senate Democrats will also work to make the U.S. a leader in the efforts of the international community to combat global warming and ozone depletion, to protect the world's oceans, and to promote the conservation of rainforests and other areas important to the earth's biological diversity, to the conservation of wildlife, and to the maintenance of a healthy and functional global environment.

Recognizing the linkage between global environmental degradation and population growth, we will work to rebuild America's legacy of leadership in international family planning programs and the effort to provide universal access to voluntary family planning services by the year 2000.

Mr. DASCHLE. With that, Mr. President, I yield 10 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKE-

FELLER] is recognized for up to 10 minutes.

HEALTH CARE

Mr. ROCKEFELLER. I thank the Chair, and I thank the distinguished Senator from South Dakota.

In Mason County, WV, Mr. President, there is an older couple who live by themselves. The husband, who is in his early sixties, has had three heart attacks. Every single bone and muscle in his body is immobilized, with the exception of his tongue. But he cannot use his tongue to talk, in that his throat does not work. His wife, Millie, cares for him and has been doing so for the last 7 years. There is no long-term care policy available to that man to help him and to help his wife who is being financially, psychologically, and physically devastated by the experience, loving though it is, of taking care of her husband 24 hours a day.

There is a definite need for long-term care policy in this country.

I am also reminded of a couple that we talked with in Minnesota during the course of the Pepper Commission. The woman was pregnant, felt labor pains coming, went to her local hospital with her husband to deliver her child. She did not, however, have any health insurance and therefore had no health insurance card. She was turned away. They told her to drive 85 miles down the road to a public hospital where she would be able to deliver her baby.

She and her husband did that, but the baby was born on the way during the trip. Because of lack of oxygen and lack of care; the baby died.

If you were to hear that woman or her husband talk about the need for access to health care in this country, Mr. President, you would get an answer of extraordinary strength and anger.

I was grateful to hear the President last night "call on the Congress to move forward aggressively on our domestic front." I could not agree more.

The question, of course, is what should our domestic agenda be? What are the greatest threats within our own borders? What are our priorities?

The Democrats in Congress have a very clear vision for America, and are ready to work with our colleagues on the other side of the aisle and the President to tackle the problems facing our country.

Of the many challenges facing our future, the health care crisis looms as one of the most serious and urgent of all. Health care costs are rising to intolerable levels. Crushing America's families, businesses, and government at all levels. Gaps are widening, resulting in over 33 million Americans without any health insurance. One of the greatest tragedies is that over 8 million of our Nation's children have no health coverage. These are children who don't go to the doctor when they develop an earache or high temperature.

Democrats have been urging action for a long time to take on these problems, and want to solve them decisively and now.

While the Reagan and then Bush administrations have focused their energies on cutting Medicare, the National Health Service Corps, community health centers, and other vital programs, the Democrats have stood up time and time again and said "no"—these are the programs that care for our people and give our families, elderly, and children access to basic health care.

While the White House continues to hide behind task force after task force, but still refuses to offer any proposals for major health care reform, Democrats are working on real and meaningful steps to expand access and long-term care protection to our people.

Example: The Democrats led the charge last year, and we succeeded in passing landmark measures to expand Medicaid to cover every poor child in America—a vital investment in our Nation's future; to provide desperately needed home care to some of our most deserving seniors; and to put an end to abuses in Medigap policies that were robbing our elderly blind.

With deep pride, I chaired the Pepper Commission, that has spelled out a comprehensive blueprint for action to bring about universal health care and long-term care protection for all of our citizens.

When the President's budget arrived last month, once again, the ax was aimed at Medicare. But still, after 2 years of being in office, this administration has yet to lay out any plan, any blueprint, any specific agenda to respond to the health care crisis. No plan to cut costs, to expand access, to build a long-term care system.

Health care reform is America's agenda, and that is precisely why it is the Democrats' agenda. So, when the President says, let's move aggressively on the domestic front, we the Democrats, say—yes, we are ready. There are no easy solutions or answers, and you won't see us hide behind slogans or excuses for real solutions for Americans. There are tough choices to make to solve the health care problems before us. Leadership from the Oval Office is needed, and we welcome it. But if we continue to hear the sounds of silence, I can assure the American people that Democrats are marching forward to build the support and offer the legislation that will solve the health care crisis. We are moving aggressively, and are absolutely determined to enter the 21st century as a nation that provides access to affordable health care to all of our people.

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for up to 5 minutes.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 590 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for up to 5 minutes.

CRIME CONTROL: A DOMESTIC AGENDA PRIORITY

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, in his address last night to a joint session of Congress, President Bush described his domestic agenda priorities. All Americans share in the pride the President evinced last night and the great victory we have won in the Persian Gulf. We have demonstrated the strength and courage of America to resist aggression. Now the President has indicated that he will commit a portion of the great popularity and political strength brought to his office toward the meeting of an equally challenging agenda of concerns here in America.

The President outlined an ambitious schedule for consideration of major legislative items. I was pleased that one of those goals he prioritized, a goal that he called to be met within the next 100 days, was passage of an effective set of crime control measures.

The plague of crime continues to be one of our Nation's major problems. Every 19 seconds in this Nation, Mr. President, another violent crime takes place. The number of murders in our Nation's cities is increasing dramatically. The plague of drug abuse continues to infest our entire country, from the board rooms to the classrooms, from the smallest to the largest of our communities.

The Democratic congressional leadership has recognized the need to deal with the root causes of crime, such as economic stagnation, discrimination, and isolation, as well as holding individuals responsible for their actions. Democrats will not be permissive on either the causes or the effects of crime.

Under the Democratic leadership of both the House and the Senate, we have passed sweeping crime control bills. These measures address some of the most controversial issues that Members of Congress must consider: the death penalty, habeas corpus reform, the exclusionary rule, and assault weapons.

The 100th Congress authorized the use of the military in the war on drugs. I recently had an opportunity to visit Task Force 4 based on Key West, FL, which is responsible for coordinating military involvement in the war on

drugs in the Caribbean and northern Latin America.

Mr. President, I am pleased to report success just as the President reported on success and victory last night in the Persian Gulf. I am not able to say that we have achieved victory in our war against drugs from the use of the military, but I will say that the effective use of military personnel and capacities has had a substantial beneficial effect in reducing the flow of drugs from that part of the world through the Caribbean into the United States.

Mr. President, now is the time for some of the resources which contributed to that success and which were removed from the region in order to supplement our strength in the Persian Gulf to be returned to the protection of our borders.

Unfortunately, the 101st session came to a close before the House and Senate conferees could reconcile all the provisions in their respective crime control measures. However, we will not let the close of one session and the beginning of another stop the momentum toward a consensus on these critical issues. With the President's good faith cooperation, Congress can enact a tough crime control program which supports and compliments the efforts of State and local law enforcement.

As demonstrated by the House and Senate last year, Democrats are committed to ending frivolous and repetitive appeals of prisoners sentenced to death. I hope that Congress will reconsider the recommendations of the panel appointed by Chief Justice Rehnquist, chaired by former Justice Lewis Powell, which has given us a clear path toward the resolution of this difficult issue, an issue which has undercut many citizens' basic regard for our judicial process.

Democrats are committed to imposing the toughest penalties to murderers, drug dealers, rapist, and child abusers. They are committed to the goals of the Outlaw Street and Motorcycle Gang Act of 1991, the Violence Against Women Act of 1991, and the tenets of a Biden Anti-Crime and Drug Control Act of 1991.

Democrats are committed to enacting laws to end money laundering crimes. Senator JOHN KERRY has reintroduced his bill allowing regulators to put banks out of business under circumstances if they are convicted of money-laundering crimes. Effective, tough, diplomatic negotiations by the administration will be required to implement the international initiatives required under money laundering and other international criminal activities.

Democrats are committed to giving the courts the resources they need to handle drug-related crimes clogging our court system. Last session, the House and the Senate enacted legislation providing 85 additional seats on the Federal bench to deal with the backlog of criminal cases.

I regret to report, Mr. President, that too many of those positions continue to be unfilled. In my own State of Florida, with a major challenge in terms of drug-related crime, we have 31 Federal district judgeships. Of those 31 judgeships, 9, or over 29 percent, are vacant today.

The fight against crime and drug abuse must be a top national priority. The men and women who wage that fight must know that their calling is as noble as any in our society. Just like the brave soldiers in the Middle East and other foreign countries police officers put their lives on the line for their communities. They deserve the Nation's support. The Democratic leadership and membership of Congress will assure that they receive that support.

I thank the Chair.

MILITARY AID TO EL SALVADOR

Mr. KENNEDY. Mr. President, I join Senator ADAMS and others in calling for the termination of all military assistance to the Government of El Salvador unless and until that country undertakes significant human rights reforms and commits itself in good faith to genuine efforts to end its long and brutal civil war.

The events of the past year underscore the importance of this legislation, and I commend Senator ADAMS for his initiative.

United States support for the Salvadoran military during the past 10 years has strengthened the Armed Forces, but done nothing to end the continuing abuses of human rights by the government.

In the past decade, more than 72,000 Salvadoran civilians have been victims of political killings. Many of these individuals died as a result of rebel attacks. Two American servicemen were killed by the rebels this past January in a particularly vicious crime.

None of us condones these rebel atrocities, but we are not giving U.S. aid to the rebels. We have given aid to the government, $4.4 billion during the course of the past 11 years. Throughout that period the Government-backed death squads have continued to flourish. It is time to say enough.

The death squads' war on civilians has changed very little during the past decade, and the U.S. Government's response to death squad atrocities has also changed little.

In 1980, Archbishop Romero was assassinated while celebrating Mass. The Government of El Salvador promised a thorough investigation of the killing, and the United States Government issued a harsh warning against further murders of civilians. Nonetheless, 12,000 civilians were murdered that year in political violence. No one was ever convicted of the Romero—or any other—murder.

In the following years, El Salvador became increasingly militarized. With funding from the United States, its armed forces grew from 12,000 to 56,000 troops. As the military undertook counterinsurgency measures to root our subversives, the death toll of civilians continued to mount.

Today, after a decade of bloodshed and U.S. aid, political killings of civilians continue unabated. Yet, not one military officer has been convicted of a human rights violation. Death squad structures remain intact and military rule remains the law of the land, despite the tying of human rights conditions to military aid, threats of reduced aid, and numerous warnings from the administration.

The Salvadoran military has actively obstructed the investigation of the 1989 murder of the Jesuit priests. It is increasingly unlikely that there will be a just resolution of that case or any of the other human rights cases pending in the Salvadoran judicial system.

Only days after President Bush recently announced his intention to restore the suspended military aid, 15 Salvadoran peasants in the El Zapote district were brutally murdered for allegedly collaborating with the rebels. The independent newspaper El Diario Latino was burned to the ground, and the offices of a political party were bombed.

Each of these incidents is believed to have been carried out by the military or by private right wing groups with the acquiescence of the military. United States Ambassador William Walker has expressed his deep concern over these incidents to the Government of El Salvador.

Last week, the administration indicated that it was sending the Salvadoran military a strong signal in connection with the prosecution of the Jesuit case and other extra judicial killings. Yet, accompanying that signal, was a promise to release $42.5 million in military aid. Some signal.

The United States has been sending the Salvadoran military this kind of mixed signal for too long. It is time for America to stop sending blood money to a government that is brutally abusing the fundamental rights of its citizens. The United States must stop funding military killers who are beyond civilian control, above the law, and ungoverned by El Salvador's own government.

The measure we are introducing today would suspend all military assistance to El Salvador for fiscal years 1992 and 1993, unless the President reports to Congress that certain conditions had been met and Congress enacts a resolution releasing the funds.

For aid to be restored, the Salvadoran Government would be required to:

Bring to justice those responsible for ordering and carrying out the murders of the Jesuit priests;

Pursue all legal avenues to bring to trial those responsible for the 1980 assassination of Archibishop Romero, the 1980 murder of U.S. land reform consultants Michael Hammer and Mark Pearlman, and the 1989 bombing of the Fenestras headquarters;

Place the Salvadoran military under the control of the elected civilian government;

Negotiate in good faith to achieve a cease-fire and a final political settlement of the conflict;

Extend internationally recognized rights to Salvadoran workers; and

End the assassinations and kidnapings of civilians.

In determining whether to restore military aid, Congress would also be required to take into account whether the rebels had observed internationally recognized human rights and pursued good-faith negotiations with the government.

This legislation would, at long last, end United States complicity in Government sponsored bloodshed and political violence in El Salvador. I urge the Senate to approve it.

ABSENCE OF SENATOR STROM THURMOND

Mr. SIMPSON. Mr. President, Senator THURMOND is necessarily absent from the Senate today, Thursday, March 7, 1991, in order to attend the funeral of Mrs. Charles E. Simons, the wife of his closest friend, Judge Charles E. Simons. During his service in the Senate, Senator THURMOND has always taken his duty to represent the people of South Carolina seriously and has been absent from Senate business only when absolutely necessary. He is absent today because of his strong commitment to a close personal friend.

BRUCE S. HOLLAND OFFERS HELP TO FAMILIES DISRUPTED BY WAR

Mr. PELL. Mr. President, I would like to share with my colleagues the inspiring story of a Rhode Island businessman who saw the needs of Rhode Island families whose lives were disrupted by the war in the Persian Gulf.

Bruce S. Holland, president of American Chemical Works in Providence, saw a "Today Show" segment several weeks ago about a military man notifying a family that a loved one had died. He was deeply touched.

He thought of his own family, safe at home, and of the need to help local families whose lives have been disrupted by the war. At this point, where many would have shrugged and dismissed the plight of others as "not my problem," Bruce acted.

He and his wife formed Rhode Islanders Assisting Rhode Islanders [RIARI], a nonprofit group to help local families disrupted by the war. His wife, Betsy, is vice president of RIARI. The group already has raised $60,000 and is working to provide money for housing, food, and medical assistance.

Holland noted that, even though the war is over, Rhode Island military personnel may not be home for some time and their families continue to need help.

Once the troops leave the gulf, he said, RIARI will turn its attention to another task: "Giving them an unforgettable welcome home."

We in Rhode Island are proud of Bruce and Betsy's work and want to share their inspiring example. I ask unanimous consent that a story from today's Providence Journal, "Families of Troops Offered a Hand," be printed in the RECORD at the conclusion of my remarks.

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

FAMILIES OF TROOPS OFFERED A HAND

(By S. Robert Chiappinelli)

PROVIDENCE.—Several weeks ago Bruce S. Holland, president of American Chemical Works on Charles Street, saw a Today TV show segment about a military man notifying a family that a loved one had died.

While Holland watched the program, his two sons, Jeffrey, 10, and Matthew, 7, slept in their home at 21 Glen Drive on Providence's East Side.

Their father stole in, looked at them, thought of the scene he had just watched and said to himself: "My God, what if that was one of my kids?"

Out of that moment grew Rhode Islanders Assisting Rhode Islanders, a nonprofit group formed to help local families disrupted by the war in the Persian Gulf.

At a press conference yesterday at the Armory of Mounted Commands on North Main Street, Holland invited families who have loved ones in the Gulf region and are in need to call 454-5188 for assistance.

RIARI has raised $60,000 and will provide money for housing, food and medical assistance. It will also serve as a conduit for other services. Calls will be confidential, Holland said, and no repayment will be expected.

The group is assisting a woman who had to move out of her apartment because she couldn't afford the rent after her husband was sent to the Gulf and her monthly income dropped $1,000, Holland said.

Even though the war is over, Rhode Island military personnel may not be home for some time, Holland said, and their families continue to need help.

Holland's wife, Betsy, is vice president of RIARI. Fran Z. Slustky is secretary and Cynthia R. Schwartz is treasurer.

Yesterday Holland mentioned that he had read letters from those serving in the Persian Gulf and that a constant theme was concern for families here.

He praised the way those left behind have carried on.

One of his employees, Janet Fiebich of Riverside, has a son, Steven Laird, who is a pilot on the aircraft carrier Kennedy in the Gulf.

The press conference drew a number of dignitaries.

Lt. Gov. Roger N. Begin said the organization's goal to help other Rhode Islanders is typical of the small state. "We really are like a family," he said.

"It is a fine and noble thing that is taking place here today," said Secretary of State Kathleen S. Connell. Her son has been serving in the Persian Gulf since Dec. 4.

Gen. Treas. Anthony J. Solomon and Maj. Gen. N. Andre Trudeau, commander of the Rhode Island National Guard, also praised the new organization.

Holland is the son of Marvin Holland, a prominent businessman, and the nephew of Maj. Gen. Leonard Holland, who headed the Rhode Island National Guard for years.

Both his father and uncle will join him, Citizens Bank president George Graboys, and others on a selection committee that will meet at least weekly to chose recipients, Holland said.

Applications will be available in Spanish and Portuguese as well as English, he said, and RIARI is still raising money to answer needs.

Once the troops leave the Gulf, Holland said, RIARI will turn its attention to another front: giving them an unforgettable welcome home.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that morning business be extended until 12:15 under my control, and that the time for debate on the Madigan nomination be reduced to 15 minutes; that the previous unanimous-consent agreement commence at 12:15 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, the time for morning business is extended to 12:15 and the period allocated to the nomination of Mr. MADIGAN will be reduced to 15 minutes.

Mr. LEAHY. Mr. President, if I may make a parliamentary inquiry, does that mean the vote on the Madigan nomination will be at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. DASCHLE. I yield 7 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Mr. SIMON] for up to 7 minutes.

THE EDUCATION BATTLE

Mr. SIMON. Mr. President, I thank my colleague from South Dakota not only for yielding to me but for his leadership, and that of Senator MITCHELL.

We are starting at least some dialog on some of the important issues—health care, crime, and others. I think that is extremely important.

Last night we sensed, as we all sat in the House of Representatives, the pride Americans have in the military victory that our forces joining with other nations were able to achieve in the Middle East. I wish I could tell you now, Mr. President, that we are also winning the battle on the education front but you know that is not correct, our colleagues in the Senate know that is not

correct, and the American people know that is not correct.

While the President's speech last night understandably was preoccupied with foreign affairs, there was only one passing reference to education, on the controversial issue of choice. We have to have more than passing references to education if we are going to do what we ought to do as a nation.

President John F. Kennedy said, "Our progress as a nation can be no swifter than our progress in education. The human mind is our fundamental resource."

I do not know of anyone who challenges that. Yet, when we read the 1985 study of 8th graders in 20 countries, the study found U.S. students 10th in arithmetic, 12th in algebra, 16th in geometry, 18th in measurements, 9th in physics, 11th in chemistry, last in biology, and I would add last in foreign language study. In every other country on the face of the Earth that I know of, all elementary students study foreign languages. In the United States, fewer than 1 percent of our students study foreign languages.

Senator KENNEDY, who chairs our Labor and Human Resources Committee, has introduced Senate bill 2 which sets up some goals and takes some immediate steps. I commend him for his leadership on education, as well Senator PELL, and the ranking Republican on the committee, Senator KASSEBAUM.

We have to do better as a nation. We are slipping. In fiscal year 1949, we spent 9 percent of our Federal budget on education. Today, we are spending 3 percent of our Federal budget on education. No one can suggest our needs have diminished.

I happened to be in the chair, Mr. President, when Senator BYRD spoke about what was happening over a 10-year period to our appropriations. I will never forget that speech. It showed we are not making the kind of priorities we ought to be making.

Some people say, well, we are No. 1 in education expenditures in the world. That is because we have done so well in the field of higher education, but we are slipping even in that area. In the last 10 years, the average cost—if you take out the inflation factor—of going to an independent 4-year college has gone up 52 percent; going to a 4-year public school, like the University of South Dakota, the University of West Virginia, has gone up an average of 44 percent. Two-year schools have gone up an average of 18 percent. Student aid has gone down an average of 3 percent.

But when you take higher education away from the expenditures, the United States slips down to 14 among the nations of the world in what we spend on education. Senator KENNEDY has included in Senate bill 2, a proposal I authored that says we ought to do something on literacy. The evidence is just overwhelming: 23 million American citizens, adults, are functionally illiterate; 4 million of them cannot read their names in block print. And they are all around us.

I had the experience of holding hearings on the problem of adult illiteracy, and one of the witnesses was Dexter Manley, and he got a lot of television coverage in this area. And a woman working in this Capitol who all of us see—if not every day, almost every day—came up to me and said, "You think someone could help me?" I said, "I am sure someone can."

I asked a member of my staff to work with her and then every once in a while I would see her, and she said, "I am working on it."

One day as I was walking through the Capitol I saw her about 30 feet away. I waved and she waved back and smiled. Then she did something else. Only she and I knew how significant it was. She held up a book. I will never forget that.

We have to give that opportunity to her and to others. Let me tell you that was a thrill to hold up that book.

We have to do better.

The President called a summit meeting of Governors to do something about education. The President basically said to the Governors, "You do something about education." Now they have set up some goals. The President spoke to us last year in the State of the Union, and said by the year 2000 we want to be No. 1 in arithmetic, and he went down that list saying this is where I want American students to be.

But let me tell you where we are headed unless something happens. We are not only not going to be No. 1; we are going to slip further behind. That is where we are headed.

If we can have a summit meeting of Governors on education, why can't we have a summit meeting right here in Washington of Democrats, Republicans, the President, and the Secretary of Education and let us get an agenda right here at the national level on education. We can do better, my friends.

The goals that have been established by the Governors, I applaud. But there is a committee that is going to review our progress toward those goals, and it is unfortunately controlled by the President of the United States. The committee is going to come in in September or October 1992 and give us a report. And we know what that report is going to say.

Senator BINGAMAN, as part of Senate bill 2, has said let us get an independent group to look at this. If we want to change the date for the report, as far as I am concerned that is fine. I do not speak for Senator BINGAMAN who is certainly a thoughtful addition to our Education Subcommittee here in the Senate.

Mr. President, the reality is we are slipping in the Nation in the field of education. If we are slipping in education, we are slipping as a nation. We can do better and we have to do better.

Mr. President, I yield my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF EDWARD R. MADIGAN TO BE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed in executive session to consider the nomination of EDWARD R. MADIGAN to be the Secretary of Agriculture.

The clerk will report the nomination.

The bill clerk read the nomination of EDWARD R. MADIGAN of Illinois to be Secretary of Agriculture.

The PRESIDING OFFICER. The time for debate between now and 12:30 is equally divided and controlled by the Senator from Vermont [Mr. LEAHY] and the Senator from Indiana [Mr. LUGAR].

Mr. LEAHY. Mr. President, I understand that because of the extra time taken by the Senator from West Virginia and others, the managers and I will no longer have a half an hour. We have about 9 minutes; is that correct?

The PRESIDING OFFICER (Mr. KOHL). The Senator is correct.

Mr. LEAHY. I yield myself 2 minutes of that 9 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. LEAHY. Mr. President, I have worked with ED MADIGAN on farm policy for many years and I know he is a tough but fair and openminded legislator. We have met several times in the past few weeks, and although I am convinced he is well qualified to be the next Secretary of Agriculture, I also know there will be issues on which we will disagree.

As I mentioned to Mr. MADIGAN at his confirmation hearing just 2 days ago, there are several issues I am particularly concerned about.

First, dairy farmers are now facing a crisis today. In the past 6 months, farmers in the Northeast have seen a 20-percent drop in milk prices. If this is not reversed, we may lose many of our family farms. The solution is a long-term supply management program, which according to the farm bill, USDA must develop with Congress. I told Mr. MADIGAN it is vital to the entire dairy industry that we work together to enact a supply management program that provides farmers with a decent income and consumers with an adequate supply of milk.

Second, on GATT, I have been briefed by the President and Ambassador Hills

on the future of the GATT negotiations. The President told us that he will request an extension of the fast-track authority for GATT. I see no reason, at this time, to support fast track until the administration is willing firmly to commit to provide income protection to American farmers hurt by GATT. I will continue to push Mr. MADIGAN and the administration to provide that much-needed protection.

Third, on a number of programs created in the farm bill—including "farms for the future" and organic certification—I am concerned that USDA is moving too slowly in developing regulations mandated by the 1990 farm bill—regulations we both worked hard to enact. I trust that with new leadership at the Department of Agriculture, these new initiatives will move forward more quickly.

Finally, I told Mr. MADIGAN that I view this change in leadership at USDA as a rare opportunity to take stock in its accomplishments, but also to assess plans and goals for the future—a future that concerns all of us.

In 1985, when the farm bill was under consideration, those involved in the debate—or even interested in its outcome—were largely members of traditional agricultural groups. Today, Americans are now paying closer attention to agriculture. Consumers are concerned about the safety of their food and the protection of their environment and about the nutrition of those in their community.

All of us want ED MADIGAN's USDA to live up to the promise of the 1990 farm bill—that sound agricultural and environmental policy can be combined in a way that makes sense for farmers and the American public.

I retain the remainder of my time and yield to the Senator from Indiana.

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

Mr. LUGAR. Mr. President, how much time does our side have in this debate?

The PRESIDING OFFICER. Five minutes.

Mr. LUGAR. Mr. President, it is a pleasure to recommend to my colleagues the confirmation of ED MADIGAN as Secretary of Agriculture. ED is a fellow midwesterner, a successful businessman, an outstanding legislattor, and a prime architect of U.S. agricultural policy.

Few Members of Congress have done more than ED MADIGAN to make American farm policy responsive to changing world markets, while maintaining reasonable income supports. His leadership of House Republicans in the 1985 and 1990 farm bills was thoughtful, professional, and articulate. These same adjectives also describe the dealings we in the Senate have always had with ED.

ED MADIGAN has run the Yellow-Lincoln Taxi Co. and served in the Illinois House of Representatives, and was elected to the Congress in 1972. He has been a distinguished member of the House Energy and Commerce Committee in addition to his service on the Agriculture Committee.

To the office to which President Bush has nominated him, ED brings several qualities that are invaluable to any Secretary of Agriculture: The ability to seek consensus without sacrificing principle; the quality of calm judgment in the midst of competing and insistent interests; a detailed knowledge of U.S. agriculture and the Government's role therein; an appreciation of the increasingly globalized market in which U.S. farmers and agribusinessmen must operate.

The President has made an outstanding choice for Secretary of Agriculture. The Committee on Agriculture, Nutrition, and Forestry agreed, reporting the nomination favorably yesterday by unanimous voice vote. I strongly support this nomination, and urge all my colleagues to do likewise.

Mr. DOLE. Mr. President, I am pleased to provide my vote of confidence in supporting ED MADIGAN as the President's nominee to be Secretary of Agriculture. Having known and worked with ED for many years, I know the qualifications that he brings to the job. He will undoubtedly put his extensive knowledge of agricultural policy to work as a pragmatic and hard-working leader for American agriculture. And from listening to the comments made by my colleagues while ED was before the committee, there is widespread appreciation of his qualifications and capabilities.

I have had the opportunity to work with ED on many pieces of legislation and on several farm bills. He has an unblemished reputation for knowing the issues, listening, and working with conflicting parties in order to find a workable compromise. I'm sure those attributes will come into play as the administration and the Congress work together on the implementation of the 1990 farm bill, the consideration of an agreement in the General Agreement of Tariffs and Trade, and other important issues.

Representing an agricultural district in east-central Illinois, ED has been a long-time voice for agriculture as the ranking minority member on the House Agriculture Committee. Though not a farmer by trade, as many past Secretaries have been, there can be no arguing that he knows what agriculture does and doesn't need as much as anyone. The very real needs of American farmers, rural communities, and rural lives have long been a priority to ED, and he also recognizes the role of agriculture in a rapidly developing global economy. These ideals, and the recognition that fiscal constraints will play an important role in shaping the direction of future policies, make ED a natural choice for the Secretary of Agriculture.

I would close by urging my colleagues to join me, and the unanimous support of the Senate Agriculture Committee, in supporting ED as the next Secretary of Agriculture. He will provide invaluable leadership and insight for agriculture during his tenure, and I commend President Bush for selecting such a distinguished colleague for the nomination.

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

Mr. DIXON. I ask the distinguished chairman how much time remains.

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes, 18 seconds.

Mr. DIXON. May I have a minute and whatever time my colleague from Illinois wants?

Mr. LEAHY. Whatever anybody wants is OK by me.

Mr. DIXON. Mr. President, it is with great pleasure that I support the President's nominee for Secretary of the Department of Agriculture, EDWARD R. MADIGAN.

I have known and worked with ED MADIGAN for almost 30 years. Throughout his career, first as a State legislator, beginning in 1966, and then, since 1972, as a Member of the U.S. House of Representatives, ED has distinguished himself as an intelligent, industrious, and effective leader. I have every confidence that he will provide this same outstanding service for the citizens of our Nation as he has provided for his constituents in Illinois over the years.

ED is an honest, hardworking, and talented individual whose personal integrity is beyond reproach. While his loyalty to the President is unquestioned, he has proven himself to be one who will contribute his own opinions and beliefs in matters of policy.

ED MADIGAN has been a major architect of agriculture and food policy. He brings to the position of Secretary of the Department of Agriculture a tremendous base of knowledge. He has a comprehensive understanding of the needs and concerns of farmers and rural America. His leadership and skill at bringing different viewpoints to the negotiating table and finding a solution acceptable to all sides is well-known and respected.

Mr. President, ED's contributions and accomplishments on behalf of American agriculture speaks for itself, as does his excellent reputation among both the agricultural community and the U.S. Congress.

ED is an outstanding choice for this extremely important position. I commend the President for his good judgment in making this nomination.

I thank my colleagues, and I urge them to support this well qualified and

worthy candidate for Secretary of Agriculture.

Mr. President, I have known ED for over a quarter of a century. We came to know each other in the Illinois Legislature. He served with great distinction for 20 years in the U.S. Congress, as ranking member on the Agriculture Committee in the House, a very fine man who will bring to the Department of Agriculture outstanding leadership. I am delighted to endorse him; I am delighted to support him, and I congratulate the President on this excellent selection.

I yield the floor to my colleague from Illinois and urge my colleagues to vote yes for ED MADIGAN for Secretary of Agriculture.

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

Mr. SIMON. Mr. President, I join the enthusiastic response to the nomination of ED MADIGAN. Senator DIXON and I became acquainted with ED at the same time, on his election, in 1966, to the Illinois General Assembly. He is a class-quality person who will provide the kind of leadership that is important to the farmers of this Nation and to the Nation as a whole. He will bring honor to the President by the way he conducts himself in the post of Secretary of Agriculture. I am very, very pleased to join in paying tribute to ED MADIGAN and enthusiastically endorsing his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 1 minute to the distinguished Senator from Iowa [Mr. GRASSLEY].

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

Mr. GRASSLEY. Mr. President, I rise today in support of the nomination of Congressman EDWARD R. MADIGAN to be the Secretary of Agriculture. President Bush has picked a good friend of agriculture and one with great knowledge of agricultural policy.

While it was clear from his testimony before the Senate Agriculture Committee that he has a fundamental grasp of agricultural policy—and also the deep respect of his colleagues from both sides of the aisle—during the hearing what really came through was his willingness to listen: to both Congress and farmers. ED MADIGAN showed that he has spent his career talking to real family farmers with real concerns. He has, over his 18 years in Congress, incorporated those concerns into the policies and programs which have emanated from Congress.

I expect that he will continue to listen as we move to tackle the challenges that face agriculture in the 1990's and beyond. Listening is an important ability for all Members of government at all levels. Farmers are especially sensitive to the perception of having Government officials who will listen to them because the programs created in Washington directly affect our farmers' incomes. Farmers need advocates at the highest levels, and that includes the Cabinet room. We need to address the distortions caused by foreign governments who flood the world market with their surplus production, thus stealing our markets. The problem of worldwide agricultural reform is being addressed in a multilateral context through the GATT. Carla Hills, as USTR, is our main negotiator and I am sure that she has a competent agricultural staff. However, our farmers, and we in Congress, will expect EDWARD MADIGAN to play an extremely important role: We will need him to be involved with the negotiations and to make it clear to our competitors that we will not accept a bad deal, one which would leave our farmers exposed to their unfair trade practices. ED MADIGAN will need to keep the heat on the USTR and on our competitors to strike a deal that allows our farmers to exploit their competitive advantage as the world's most productive agricultural producers. If such a deal cannot be made, then the Secretary of Agriculture, must be willing to tell the U.S. negotiators to walk away from the negotiations.

From the responses to the questions my colleagues and I raised with Mr. MADIGAN, I am satisfied that ED will not hesitate to walk away from a bad deal for America's farmers and because of this willingness, may provide the best reason yet for those of us who are interested in agricultural policy to support extension of the administration's fast-track authority. The issues facing agriculture go beyond trade and income questions, and ED MADIGAN will be able to rely on his congressional experience to join the debate on a host of environmental and public policy concerns. His seat on the House Energy and Commerce Committee has put him in the middle of debates on subjects as far ranging as food safety, pesticide usage, water quality, and clean air.

This Congress will be dealing with the reauthorization of the Clean Water Act and the Resource Conservation and Recovery Act, to cite two such policy issues. These reauthorizations will definitely affect agriculture and our farmers' ability to produce the world's most abundant and healthiest food supply. The Department will need a strong leader on these issues, and because of Mr. MADIGAN's experience, I expect him to play an active role.

Mr. President, I look forward to working with Mr. MADIGAN in his role as one of the Nation's top advocates for farmers, second only to myself. Thank you.

Mr. LUGAR. Mr. President, I yield 30 seconds to the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for yielding. It is with pleasure that I stand in support of ED MADIGAN to become our new Secretary of Agriculture. Having worked 10 years with him in the House, he not only brings the knowledge of agriculture, he also brings a concern that is important in my State and that is the concern of proper management of the U.S. Forest Service. Those are two key and important issues that this Congress must deal with in the coming months and years in implementation of the farm bill, proper management of our forests and lands. I am pleased the President made this wise choice. ED MADIGAN will be an excellent Secretary of Agriculture.

Mr. LUGAR. Mr. President, I yield 2 minutes to the Senator from Montana [Mr. BURNS].

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

Mr. BURNS. Mr. President, I rise in support of the nomination of ED MADIGAN to be the next Secretary of Agriculture.

We need a Secretary who will be a strong supporter within the administration—and on the Hill—of our Nation's farmers and ranchers. I believe that ED MADIGAN will be that strong supporter.

Mr. President, I voted against final passage of the 1990 farm bill when it was before the Senate last year. I do not think that it meets the needs of Montana producers, or for that matter the needs of many of our Nation's farmers. For us the 15-percent triple base option is just another 15 percent unpaid land diversion.

Although ED MADIGAN comes from corn and soybean country—from land that is soil rich, generally gets just the right amount of rainfall, has a long growing season, and is close to multiple transportation systems—I believe the ED MADIGAN will move beyond the needs and concerns of the Corn Belt and will address the needs and concerns of the rest of agriculture.

And those needs and concerns are many Mr. President. In Montana, some producers are facing yet another year of a devastating drought. My producers are a tough breed—used to hard conditions and inclement weather—but even the toughest are beginning to show signs of weariness.

Montanans need an adequate Federal Crop Insurance Program, one that does not abandon them. They need a strong Export Enhancement Program that levels an unfair international playing field. Most of all, Mr. President, they need a Secretary of Agriculture who will listen to them. A Secretary who will go the extra mile to ensure that the greatest agricultural production system in the world does not fail because our Government has failed the farmer and rancher. Mr. President, I believe that ED MADIGAN will be that

kind of Secretary and I urge my colleagues to support him.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I yield 30 seconds to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, U.S. agriculture will face considerable challenges in the coming years. ED MADIGAN, with his experience and outstanding leadership qualities, will be a very positive and constructive force in dealing with these challenges.

I enthusiastically endorse the selection of Congressman MADIGAN as Secretary of Agriculture and encourage my colleagues in the Senate to support his confirmation.

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

Mr. WELLSTONE. Mr. President, I look forward to working with Mr. MADIGAN, but I do speak with a sense of history. Family farmers in rural communities, as we speak today on the floor of the Senate, are struggling for their economic survival. I was at the wrestling tournament in Minnesota last weekend with people from across the State, and many farmers talked to me about their plight. The dairy farmer cannot make it on 10-10 per hundred weight.

I want to say loudly and clearly on the floor that the health and vitality of rural America is not based on the number of acres farmed or the number of animals, but on the number of family farmers who are able to live in the communities and be able to support themselves and their families.

I hope, Mr. President, that we will move strongly for a fair price at the marketplace and support family farmers, and that Mr. MADIGAN will work toward those goals.

Mr. KASTEN. Mr. President, I rise today to cast a vote of strong support for EDWARD MADIGAN as Secretary of the U.S. Department of Agriculture.

Mr. President, I know that the new Secretary will have to confront a full agenda of agricultural concerns. In light of the recent plummenting of milk prices, dairy reform is a critical isssue to Wisconsin farmers. I am hopeful that we can work together in creating a management plan for dairy, and instituting a long overdue reform of the Federal milk marketing orders and price series.

Wisconsin farmers need real change. It is estimated that 4,000 farmers in Wisconsin will go out of business in 1991. I will work with Secretary MADIGAN to prevent this estimate from becoming a reality.

I am confident that Secretary MADIGAN is more than capable of the difficult tasks that lie ahead. I look forward to working with the new leader of the Agriculture Department.

Mr. SIMPSON. Mr. President, I rise in support of this extraordinary nominee for Secretary of Agriculture. I have known EDWARD MADIGAN for many years. He is a steady and thoughtful man. He is a great leader who hails from the triple "I"—Illinois, Indiana, Iowa—the breadbasket of this great Nation. I deeply admire his devotion to the agricultural sector of this fine country.

EDWARD MADIGAN has never been one to run away from a good challenge or a scrap. He certainly will be facing the challenge of a lifetime when he assumes our Nation's leadership role for the food and fiber industry. He will assume his responsibilities at a time when the U.S. Department of Agriculture estimates that U.S. agricultural exports will take a $3 billion plunge in the next year and also at a time of a record national debt.

I believe that together we can actually construct a sensible farm policy to lead our Nation out of the present economic turmoil. Agriculture can be a powerful engine to fuel necessary economic growth. Many opportunities presently exist for agriculture—specifically the Uruguay round of the General Agreement on Tariffs and Trade [GATT], the North American Free Trade Agreement, and the Enterprise for the Americas Initiative. I am convinced that EDWARD MADIGAN's absolute integrity, sincerity, and consummate good sense will guide U.S. agriculture successfully through both current and future global trade negotiations.

EDWARD MADIGAN has spent the last 16 years of his career battling barriers to U.S. agricultural exports while a member of the House Agriculture Committee—8 of those years as the ranking Republican on that committee. The agricultural policies EDWARD MADIGAN has supported have had positive, far reaching impacts on the people of this country—from food stamps and commodity distribution programs to the Farmers Home Administration and the Rural Electrification Administration. He was instrumental in rewriting both the 1985 and 1990 farm bills and was a strong advocate for protecting farm income and expanding export markets.

If ED MADIGAN approaches the trials and tribulations of agriculture with the same fervor and passion that he has approached his duties and responsibilities to his constituents in his State and the Nation, then agriculture will undoubtedly face unbounded successes throughout the 1990's.

He is surely the right man for the job and I look forward to working with my friend to achieve the necessary ends. My wife Ann and his wife Evelyn enjoy their association together in one of the fine international neighbors clubs. A great group. They even invited ED and I from time to time. So I wish ED and his lovely and talented wife, Evelyn, the very best in this new and important endeavor for our country.

Mr. CONRAD. Mr. President, I want to take this opportunity to express my support for the confirmation of EDWARD MADIGAN as the new Secretary of Agriculture.

I have known and worked with ED MADIGAN only a very short time compared to many of my colleagues, but I have come to know him as a hard working, serious, concerned man who cares about rural Americans and agriculture.

Upon his confirmation he will face one of the most difficult tasks of any Secretary in the history of the Department of Agriculture. He will head the Department charged with rural development and the management of far reaching and complex farm programs, nutrition programs, research efforts, and environmental regulations.

He will face a rural America that lost income, lost jobs, and lost people relative to the rest of the country, and a farm community that endured the deepest recession since the 1930's. Grain farmers suffered a sharp drop in income as the U.S. dollar increased in value by nearly 75 percent, pricing our farm produce out of world markets.

In trade, the new Secretary will face an intransigent European Economic Community which has greatly expanded agricultural production and exports in response to extraordinarily high support levels. In a 15-year period, the European Community has gone from the world's largest food importer to one of the world's major exporters.

While some parts of agriculture and some parts of the country have recovered from the farm recession of the 1980's, much of agriculture still faces a very difficult future. In particular, dairy, wheat, and oilseed producers face low prices and reduced incomes.

Recent studies by Farm Credit Administration economists indicate that wheat producers income will drop about 20 percent in 1991, the first year of the 1990 farm bill. Feed grains producers' income is predicted to fall about 15 percent this year. FCA studies are confirmed by economists at North Dakota State University's Department of Agricultural Economics. They estimate that 35 percent of grain farmers outside of the Red River Valley in my State will not be able to cash flow this year. All of the much heralded flexibility in the 1990 farm bill is worthless if market prices are too low for farmers to make a decent living.

Two factors account for the low expected income of farmers in the 1990's. First, budget pressure will keep Federal support of agriculture extremely low relative to historical levels. Second, the 1985 farm bill and its successor, the 1990 farm bill, has been managed to keep market prices low. As a

consequence, farmers' cash receipts from the market have plummeted 45 percent for wheat; 42 percent for corn; and 36 percent for oilseeds between the 1975 through 1985 period and the 1986 through 1990 period. USDA predicts market receipts to drop for oilseeds and wheat in 1991 and rise slightly for corn.

The new Secretary will face many such statistics, but for the grain producers of North Dakota and other states they translate into cold, hard facts that mean the loss of income and in many cases the loss of a farm that has been in the family for generations.

The huge income and population shifts of the 1980's verify rural America's difficulties in the past decade.

We need a Secretary who will work with Congress to make sure the 1990's are better than the 1980's for rural America.

Some of the new Secretary's first critical decisions will concern the management of the 1990 farm bill. If farmers receive less Federal support, then they must receive more from the market if they are to survive. However, grain producers are faced with the scenario of reduced Federal support and reduced market income.

This need not happen, the 1985 and 1990 farm bills provide the Secretary of Agriculture with a large number of management tools to raise market income for producers without increasing Government outlays.

The issue facing the new Secretary will be how to exercise his authority to have a positive effect on farm income through management of the farm program. I would ask that Secretary MADIGAN review his management options under the 1990 farm bill with an eye toward increasing farm income.

Just as important will be the role of the Secretary in the GATT negotiations. As head of a large agency with extensive expertise and resources, the Secretary can play a critical role in making sure that U.S. agriculture benefits from the trade agreement. Our farmers can compete with anyone on a level playing field, but that does not appear to be the direction of the negotiations. I would ask the new Secretary to take a careful look at the various negotiating options in order to assess the best possible outcome for U.S. agriculture. It is my belief that the form that the negotiations have taken to this point will result in little or no reduction in trade distorting, subsidized output by the European Community.

The new Secretary will face a daunting task in getting the Europeans to move on agriculture.

The new Secretary will be in charge of rural development at the Department of Agriculture. It is my belief that one key element of rural development is the commercialization of "new uses"—new industrial products made from agricultural inputs such as biodegradeable corn starch plastics, soybean oil ink, and paper from kenaf.

I know Mr. MADIGAN shares my enthusiasm and the enthusiasm of the committee for an active USDA role in the development of new uses. One of the major success stories of the 1990 farm bill was the inclusion of the Alternative Agricultural Research and Commercialization Act [AARC]. Properly implemented, AARC will provide new businesses and jobs in rural areas, higher demand for agricultural commodities, and higher income for farmers. I urge the new Secretary to push very hard to get AARC implemented quickly and effectively.

In closing, I want to note that I just came from a Farmers Union rally next to the Capital. They are giving away loaves of bread to emphasize how little our farmers receive of the consumer food dollar. At current wheat prices, the farmer get a little less than 4 cents for a one pound loaf of bread. The farmer's share of the food dollar is at an all time low.

That is part of the reason that 35 percent of the grain farmers in my state, outside of the Red River Valley, will not cash flow this crop year—they will not be able to earn enough from their crops to pay interest on their machinery and land debt, to plant and harvest their crops, and to support their families.

The new Secretary has stated that wheat and dairy producers in particular are in serious economic difficulties. ED MADIGAN has taken on one of the most difficult, thankless jobs in America. I wish him well and look forward to working with him to solve these problems.

• Mr. THURMOND. Mr. President, I rise today in support of the nomination of Illinois Representative EDWARD R. MADIGAN for Secretary of Agriculture. Mr. MADIGAN possesses excellent qualifications for this position.

Mr. MADIGAN was educated in the local schools of Lincoln, IL, and graduated from Lincoln College in 1955. After college he started working in the taxi company owned by his father. In 1967, he was elected to the Illinois State House of Representatives and served until 1972.

Mr. MADIGAN was elected to the U.S. House of Representatives in 1972 and has served on the House Agriculture Committee for 16 of the 18 years of his congressional service. For eight years of his service on the Agriculture Committee, he has been the ranking Republican member. During the 97th Congress, Mr. MADIGAN took a leave of absence from the House Agriculture Committee to serve in the House leadership as chairman of the House Republican Planning and Research Committee.

Mr. President, Mr. MADIGAN will be the first Secretary of Agriculture who was not born into farming or agribusiness since Orville Freeman who served under Presidents Kennedy and Johnson. Mr. MADIGAN has though worked extremely hard for the agriculture interests of his constituents. It is my understanding that the 15th District in Illinois has some of the most productive farmland in the country, so he knows the importance of agriculture.

Another important factor that contributes to the qualifications of Mr. MADIGAN for this position is the experience that he brings to this office as a result of his service on the House Committee on Energy and Commerce. This committee has jurisdiction over such issues as public health, food and drugs, as well as environmental protection. With these issues becoming more important, his leadership and understanding will be a great asset in dealing with these matters as Secretary of Agriculture.

Mr. President, Mr. MADIGAN has exhibited those traits of character and intellect which will serve him well as Secretary of Agriculture. I am certain, in this post, as in all of the others that he has held, he will serve the country and the President with the utmost distinction.

Accordingly, Mr. President, I urge my colleagues to support his confirmation to be the 24th Secretary of Agriculture.•

Mr. MCCONNELL. Mr. President, agriculture is an extremely important industry to my home State of Kentucky. With more than 92,000 farms we rank fourth in the United States in the total number of farms, trailing only Texas, Missouri, and Iowa. Therefore, you can see, Mr. President, that selecting the right person to head the Department of Agriculture is of tremendous importance to the people of Kentucky.

The nomination of Representative EDWARD R. MADIGAN to the position of U.S. Secretary of Agriculture is an excellent choice. ED brings to his new job more than 18 years of congressional experience, with nearly one-half of that time serving as the ranking member of the House Agriculture Committee.

He has helped write five farm bills, each one written with different goals and purposes due to the complexity of agricultural issues and variable nature of the farm economy. I am not sure any individual could offer more direct policy experience than ED and, therefore, I enthusiastically support his nomination as the 24th Secretary of Agriculture.

As a Member of the House, Congressman MADIGAN represented farmers oriented toward a different type of agriculture from that found in Kentucky. However, during his confirmation hearing before the Senate Committee on Agriculture, Nutrition, and Forestry, I came to see that he has genuine interest in all types of agriculture. Whether it is the eastern Kentucky tobacco farm, the central Kentucky dairy or

beef farms, or the western Kentucky grain or hog farm, this man will be a strong advocate of all farmers.

These are complex times in agriculture. If a farmer today is to remain in business for the next 10 years, he must be able to understand the importance of international trade, science and technology, finance, labor, marketing, and promotion. For those of us not afforded the opportunity to grow up on a farm, we often have a difficult time truly comprehending the difficulties these hard working men and women face daily. Since coming to the U.S. Senate in 1985 I have made the extra effort to work with my State's farmers and understand their problems and promise to never take them for granted. I believe that ED MADIGAN follows the same philosophy and I look forward to the relationship which we will develop over the next several years.

Many people long for the good ol' days when a farmer could survive with two milk cows and a team of horses on 40 acres, but the world does not operate this way anymore. The price of soybeans in Rotterdam is just as important as the price of soybeans in Ownesboro, KY. The weather in Brazil is almost as important as the weather in Hopkinsville, KY, and when the European Community unfairly bans United States beef imports, my Barren County cattle farmers become very upset.

Because American farmers have adapted to the changing world, we remain the undisputed world leader in agriculture today. Farmers account for only 2 percent of this Nation's population, yet each one of these farmers produces enough food and fiber for 92 of their city neighbors and 22 more neighbors overseas. Our farmers are more productive, more efficient, and more concerned about the land which they are stewards of than any other farmers in the world.

ED MADIGAN will provide the type of leadership which will keep American agriculture as the world leader. He is the type of man who will be able to sit down at a table with agriculture leaders from all over the world and negotiate trade agreements which will help U.S. farmers and then travel to Shelbyville, KY, sit down in a coffee shop and explain to a group of farmers how they can benefit from new world markets.

He is the right man in the right job. I look forward to working with ED on a wide variety of subjects and I enthusiastically support his nomination for U.S. Secretary of Agriculture.

ED MADIGAN: A FRIEND OF THE AMERICAN FARMER

Mr. COATS. Mr. President, it is with great pride today that I give my strongest support to my former colleague in the House of Representatives ED MADIGAN for his confirmation as the Secretary of Agriculture.

ED MADIGAN is truly a friend to the American farmer. Having served 18 years in the U.S. Congress, he not only knows agriculture but the legislative process as well. This combination will provide leadership, understanding, and a commonsense approach to formulating and implementing American farm policy. He is a diplomat who will hear all sides of the argument and provide the leadership for compromise instead of conflict. ED MADIGAN will give American farmers a compassionate ear and a strong voice.

We in the Midwest seem to have deep ties to our rich and fertile soil. It was this soil which gave our ancestors the seeds of hope and the fulfillment of dreams. ED MADIGAN knows and understands these humble beginnings. He knows the struggles our farmers have faced and the inventiveness with which we have overcome adversities. It is because of his understanding of our past, that Indiana farmers know that ED MADIGAN will serve our needs in the future.

As we enter the 1990's, we will see continuing struggles for American farmers. We must be more competitive in world agricultural markets while battling unfair trade practices abroad and increasing restrictions at home. I am confident that ED MADIGAN will continue to seek fairness for American farmers—the most efficient and effective in the world. We must ensure that the American agriculture products that we enjoy on our tables can be used to better the quality of life around the world. I am also confident that he will give a voice to the needs of farmers in an atmosphere of Government overregulation and misunderstanding.

There is no greater industry than that of American agriculture. We need leaders, such as ED MADIGAN, who will promote and propagate that industry.

Mr. DURENBERGER. Mr. President, I rise to express my enthusiastic support for Ed Madigan as Secretary of Agriculture. For nearly a decade, I have had the privilege of working with Ed Madigan on a number of agricultural and environmental issues. Ed and I have frequently been conferees on major environmental legislation conference committees. Just last year, we worked together to enable America's farmers to have an opportunity to play a major role in providing the clean fuels needed to reduce auto emission. From this experience and others, I know that Ed shares my belief that American agriculture can help and be helped through the expanded utilization of agricultural products for nonfeed and nonfiber uses.

One of the first tasks facing Secretary Madigan will be final implementation of the 1990 farm bill. Since Ed was the House's ranking conferee for this legislation, he will be able to personally attest to what the conferees' intentions were on a number of 1990 farm bill provisions. Implementing a bill the size of last year's farm bill is truly a herculean effort and I am confident that Secretary Madigan will continue the fine work of his predecessor on this matter.

A second agricultural item which will demand Secretary Madigan's prompt attention will be alleviating the current dairy crisis. Last summer, upper Midwest milk prices were 40 percent higher than today. At that time, the Senate and the House chose to defer making major changes in the dairy program. However, the 1990 farm bill did give the Secretary of Agriculture considerable contingent authority to make changes in the dairy program if the supply-utilizatiion condition warranted. I am hopeful that Secretary Madigan will be amenable to making changes in the dairy program that will bolster milk prices and that he will carry out the ongoing reform in the Federal milk marketing orders and price series.

A third major task which Secretary Madigan will immediately face is a continuation of the Uruguay round of GATT negotiations. His predecessor was a major force in pushing for greater access for U.S. agricultural exports. The district which he represented in the House is a leading corn and soybean producing area. Hence, he knows firsthand the importance of foreign markets to American farmers. In the upcoming weeks, the Senate will grapple with the tough decision of extending fast-track authority for GATT. I believe that Secretary Madigan's experience of representing his congressional district has properly prepared him for this detailed and difficult task.

Mr. President, our Nation now finds itself on the threshold of a new millennium. It has been said, that the 20th century is the American century. The critical components to our Nation's international preeminence, unrivaled economic growth, and democratic development was this country's wealth of ingenuity, vision, and strong leadership. I believe that Ed Madigan exemplifies these traits. I think he shares my belief that the umatched productivity of American farmers is not a burden which must be shackled, but is an enormous opportunity which must be more fully utilized to solve vexing urban and environmental problems.

In closing, I am excited with the prospect of working with a close friend of mine on agricultural issues. I am confident that he will swiftly respond to agriculture's current problems and spearhead long-term efforts to lay the foundation for rejuvenating rural America.

Mr. LEAHY. 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.

VOTE

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of EDWARD R. MADIGAN, of Illinois, to be Secretary of Agriculture.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

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

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

[Rollcall Vote No. 24 Ex.]

YEAS—99

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

NAYS—0

NOT VOTING—1

Thurmond

So the nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

RESOLUTION TRUST CORPORATION FUNDING ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 419, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

The Senate resumed consideration of the bill.

Pending:

D'Amato amendment No. 13, to protect tenants from unnecessary eviction by the Resolution Trust Corporation.

Specter modified amendment No. 27, relating to the establishment of an International Military Tribunal to try and punish individuals involved in war crimes during the Persian Gulf war.

AMENDMENT NO. 27

The PRESIDING OFFICER. The pending business is amendment No. 27 offered by the Senator from Pennsylvania, on which there is 30 minutes of debate equally divided and controlled by the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Michigan [Mr. RIEGLE].

Mr. GARN. 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. COATS. 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. COATS. Mr. President, I ask unanimous consent that 3 minutes from the time of the Senator from Pennsylvania [Mr. SPECTER] be yielded to me.

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

Mr. COATS. Mr. President, I rise to briefly issue a statement in support of the amendment of the Senator from Pennsylvania, the sense-of-the-Senate resolution, urging the President to establish an international criminal Court to try Iraqis on charges of war crimes.

The question of war crimes could not be clearer. We should pursue the prosecution of war crimes for the same reason we confronted the aggression in Kuwait in the very first place. We should not bring criminals to justice merely for the sake of revenge. What is at stake here, however, is a much higher principle: That aggression should not go unconfronted and that the rule of law should guide human relations not only within States but between them as well.

We have a growing body of evidence, Mr. President, of crimes that certainly deserve trial. We have evidence, obviously, of the unprovoked aggression of Iraq against Kuwait; of unprovoked aggression against a nation which was not engaged in this conflict, the nation of Israel, by missile attacks aimed not even at military targets but simply aimed in the genral direction of that nation, and which brought destruction to civilian targets and injuries to civilians.

Certainly we have a growing list of violations of well-recognized international codes of conduct toward POW's, some used as human shields; environmental degradation greater than the world has ever seen, and more specifically, the atrocities committed in Kuwait by many of the Iraqi soldiers, the wanton destruction of that nation; the torture of those who were kidnaped; killings, rapes. Literally that country was devastated in ways that went far beyond conventional rules of war.

Mr. President, at a minimum, an international tribunal ought to be convened. As we did in defeating Iraq's aggression, we must now send a signal that war crimes will not go unpunished. Not only must we inform the world that aggression does not pay, we must also seek to enforce the notion that when war is unavoidable, laws of war do exist and violations will be dealt with severely.

We must enforce these laws today so future heads of state, generals, and soldiers, will respect them in the future.

Not only does justice demand we try Saddam Hussein and his generals for the atrocities committed, that go far beyond any recognized rules of conduct or laws of warfare, but also for the purpose of deterrence to future Saddam Husseins, leaders and others who find themselves in situations where the choice is between following well-recognized conduct in the conduct of war or committing atrocities. We want to send a very strong signal that these will not go unpunished, that these will not be rewarded.

Mr. President, I appreciate the Senator's initiative in this regard and I am happy to add my name to this sense-of-the-Senate resolution and trust the Senate will forthwith adopt it. I yield back my time.

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

The PRESIDING OFFICER. If there is no objection, the quorum call will be charged equally. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Parliamentary inquiry: How much time remains on the pending amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 17 minutes, 14 seconds; the Senator from Michigan has 11 minutes and 15 seconds.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Further parliamentary inquiry: My understanding is correct that the vote has been deferred on this amendment until the conclusion of the proceedings on the bill, and that would be right before final passage?

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. I thank the Chair.

Mr. President, there has been a considerable amount of discussion on this amendment. Let me restate it very briefly. It provides for negotiations by the President with our allies to establish an international criminal court to try Iraqi war criminals, including President Saddam Hussein.

The basic thrust is that we should build upon the precedent of Nuremberg after World War II, where the international community tried war criminals, and that that process should proceed because of the present quantum evidence of war crimes perpetrated by Saddam Hussein and by other Iraqis.

In this context, Mr. President, I articulate the information which is present in terms of the potential evidence for an accusation to establish a prima facie case. Of course, the proof will require appropriate evidentiary standards at such a trial, but the analog would be Nuremberg.

Mr. President, I emphasize at the outset that this is not a fad at the moment to respond to what has happened in the gulf war, but it is an approach which is based upon considerable analysis by the Congress of the United States as something that this Senator has worked on for the past 6 years.

In 1986, I offered a resolution which would call for an international criminal court to try terrorists. It was adopted by the Congress in 1987, and the thrust of that effort was to provide an international body because of the difficulty of bringing terrorists to trial within the jurisdiction where the offense was committed.

Illustrative of that was the hijacking of the *Achille Lauro*, where Mr. Klinghoffer was brutally murdered. One of the alleged perpetrators, Abu Abbas, fled in an Egyptian aircraft and was forced down by United States planes in Italy.

At that point, there was a standoff between United States and Italian authorities, and eventually Italy took custody of Abu Abbas and refused to turn him over to the United States, and turned him over to Yugoslavia, instead.

There was controversy between the United States and Yugoslavia. Yugoslavia, in turn, refused to turn him over to the United States. He was tried in absentia in Italy and sentenced to 30 years in prison, which was never carried out. The thought was it would be much easier to have someone like Abu Abbas turned over to an international court because of the sovereignty concerns of Italy, and the sovereignty concerns of Yugoslavia.

Another effort was made by this Senator in 1988 in a resolution to establish an international criminal court to try drug dealers. One of the reasons was the incident involving Mata, who was turned over to the United States by Honduran authorities, and caused a near riot in front of the United States Embassy.

Again, the thought was how much easier it would have been from the point of view of Honduras national sovereignty to turn Mata over to an international criminal court, as opposed to the United States.

The same thought was advanced with respect to Colombia. On a recent visit by the President of Colombia to the United States 2 weeks ago, in meetings, the Colombian President stated his support for an international criminal court to try drug dealers, something which he had addressed in his speech after his inauguration as the President of Colombia.

So that there has been a considerable movement in the direction of an international criminal court for a number of purposes.

Last year on the foreign aid bill, there was a direction by the Congress that the President report by October 1 on the progress for an international court, both as to terrorists and drug dealers.

And the Judicial Conference of the United States similarly was asked for a report by October 1, 1991. I met with Judge Broderick, who is representing the U.S. Judicial Conference and is working on this subject.

So there has been very considerable thought given by the Congress and by the administration to establishing an international criminal court, with that thought coming into play when we are dealing with the specifics, where we are facing now the desirability of a trial for war crimes against those who are guilty of such war crimes arising out of the gulf war.

Mr. President, yesterday in the speech to the joint session of Congress, President Bush said, among other things, "* * * I promise you: For all that Saddam has done to his own people, to the Kuwaitis, and to the entire world—Saddam and those around him are accountable."

I think that is an invitation for further action, Mr. President, to establish an international criminal court for war crimes. The President does not say that. Secretary of State Baker is on his way to meet in the Mideast. It is my suggestion that Secretary of State Baker be armed with a very considerable political mandate, by a strong vote by the Senate today, to establish such an international court.

Mr. President, we were not able to bring the gulf war to a conclusion to the extent of taking Saddam Hussein into custody or other Iraqis from their high command who may appropriately be chargeable with war crimes. It is my hope that they will depose SaddamHussein, and that there may be a way to obtain custody of him and others so that a trial might take place in the context of the Nuremberg war crimes trials. Even if that cannot be done, Mr. President, I suggest that there is considerable value to having a trial in absentia, even in the absence of the defendants, for which there is precedent under the Nuremberg war crimes trials, and there is precedent under U.S. law to try someone in absentia.

There have been reports, Mr. President, that are really appalling. With the limited amount of time available, I refer to just a few:

The Philadelphia Inquirer of March 4, 1991, which contained this report, referring to Shakir Mohammed, the caretaker of the cemetery in Kuwait:

> He brought out a weathered folder filled with gruesome evidence—pictures of mangled bodies, of jaws ripped askew, faces beaten until hardly human, of heads split open and caved in * * *.
>
> Since the August 2 Iraqi invasion, Mohammed said he has buried 2,750 people. Only 400 of them died of natural causes.

According to another report from the Philadelphia Inquirer, dated March 3, 1991:

> About 11,000 Kuwaitis are believed to remain in jails in Iraq, and virtually every one has a grim tale of relatives and friends tortured or mutilated, of fingers and ears cut off, of women raped and left to die in cages at the Kuwaiti Zoo, of Iraqi medics draining the blood out of Kuwaiti men to give transfusions to their own wounded soldiers.

A report in the Washington Post on March 6, 1991, recounted the circumstance of Lieutenant Zaun, who was paraded as a prisoner of war before television cameras. There were reports of Lieutenant Zaun's forced appearance before the TV cameras, which outraged many Americans, and coalition leaders denounced it as a war crime, in violation of the Geneva Convention. For his entire captivity, Lieutenant Zaun was held in a site about a 15-minute drive from Baghdad where he became dangerously close to being bombed by allied planes, apparently, presumably, as Saddam Hussein had threatened, to use POW's as human shields, and he said he would put them at strategic sites, which is apparently what happened to Lieutenant Zaun.

Taking up only one other news report, but I think it has some value, the CBS crew telling of their violent treatment at the hands of the Iraqis, the Washington Post, dated March 5, 1991. They had undergone "40 days of terror, hunger, and occasional beatings." They said they spent their first night in "a military installation, probably in the southern Iraqi city of Basra, where they were beaten," in what Simon called a "classic violent interrogation." Referring further, "24 days of solitary confinement at military intelligence headquarters in Baghdad," where they were subjected to more interrogation and occasional beatings.

Mr. President, I suggest that if someone like the CBS television crew, who had as much power to tell the world about this kind of violence received

that kind of treatment, it is easy to conclude that those less powerful were subjected to even greater violence, the kind which had been described in the previous articles.

Mr. President, I think it worthwhile to put into the RECORD the full text of the Inquirer reports of March 4, 1991, and March 3, 1991. I ask unanimous consent they be printed at the conclusion of my statement.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, earlier, I had put into the RECORD the specifics on the Scud missile attacks by Iraq against Israel and a summary showing some 39 such attacks, two Israeli citizens directly killed by the attacks, 12 additional deaths resulting from the use of gas masks, heart attacks from fear of choking, more than 200 injured, some 1,644 families evacuated from Tel Aviv and Ramat Gan as a result of Scud attacks, a classical illustration of the most heinous of war crimes, Mr. President, where there were the firing of Scuds into major civilian cities, civilian populations, with absolutely, positively no conceivable military purpose.

Mr. President, I ask unanimous consent that Senator DIXON, Senator COATS, and Senator KERREY, of Nebraska, be listed as cosponsors to this amendment.

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

Mr. SPECTER. Mr. President, I think that is a summation of the issue which will confront the Senate on this resolution. Given the atrocities involved, the atrocious allegations which are contained in the news media, given the precedent of the Nuremberg war trials, the failure to act in the face of this kind of an evidentiary base would certainly be condoning of this kind of conduct. I submit that it would be very useful for the U.S. Senate to give a rounding endorsement to this resolution, to state emphatically that it is the will of this body that our President move forward, in consultation with our allies, to consider the setting up of an international criminal court as an institution, or perhaps one modeled after the Nuremberg war trails, to see to it that justice is done on this very important matter.

I yield the floor.

EXHIBIT 1

[From the Philadelphia Inquirer, Mar. 3, 1991]

FOR KUWAITIS, FREEDOM IS A MIX OF CHEERS AND TEARS

(By Juan O. Tamayo)

KUWAIT CITY.—When Kuwait resistance leader Shukri al-Hashem learned that his country had been liberated by the allies, he celebrated in a traditional Arab manner, by slaughtering a cow.

But before he slit the animal's throat, he covered its body with a poster of Saddam Hussein.

And then he wept for his wantonly brutalized nation.

So it is for Kuwaitis as they emerge from seven months of Iraqi occupation. They blow kisses to the liberating Americans and Arabs, even as they weep at the sight of their ravaged country. They smile at being free, even as they relate tales of horrible torture.

"I was never so happy," said al-Hashem a former Kuwait Airlines pilot. "And then I thought of all my friends dead, all the destruction, the pain and suffering, the women raped, the little babies killed."

Kuwait City suffered only minimal damage from allied bombing. But the vandalism of the Iraqis more than made up for that.

Before retreating north, they executed scores of prisoners and blew up oil facilities, electricity turbines, water storage tanks and telephone facilities.

They left the city's downtown shopping section trashed and looted. Its streets littered with glass shards and twisted metal, its palaces charred and ruined and its finest buildings crumpled masses of concrete and steel.

"The Iraqis were not soldiers. They were thieves," said police Maj. Fahd Abdel Rahman.

In the final days of the war, Iraq soldiers firebombed three of the capital's four luxury hotels and at least seven schools. They sabotaged electricity plants, torched refineries and disabled water pumps, according to Kuwait police officials.

They left the capital with no running water or electricity and with few working telephones. Up to 200 people at a time stand in line at gas stations to fill 5-gallon jugs. Food is in short supply, the price of a dozen eggs is up from $1 to $5.

Hospitals are critically short of medicines and ambulances—looted by the Iraqis—and of doctors—kidnapped. There are growing fears of epidemics if water and electricity to pump it are not restored soon.

About 11,000 Kuwaitis are believed to remain in jails in Iraq, and virtually everyone has a grim tale of relatives and friends tortured or mutilated, of fingers and ears cut off, of women raped and left to die in cages at the Kuwait Zoo, of Iraqi medics draining the blood out of Kuwaiti men to give transfusions to their own wounded soldiers.

Friends and relatives, separated for months by the fear of going outside and being picked up by Iraqi security agents, are reuniting now. Young women, who stayed close to home for fear of being raped, take delight now in riding around town, blowing kisses at allied troops and giggling in sheer joy.

Rumors abound of Iraq and pro-Iraq Palestinian snipers holed up in the city, although the only wounded reported in the last few days have been people hit by bullets fired into the air in joyful celebration of Kuwaits liberation.

The beaches are seeded with buried land mines, put there to deter an allied amphibious landing that never came. Unexploded tank and military shells, as well as rockets and hand grenades, lie abandoned in schools and government offices that had been used by the Iraqis as encampments.

Allied ordnance teams began removing or detonating some of these explosives yesterday, but the job is likely to take "a very long time," Sheik Nawaf, the defense minister, said.

Kuwait army troops began taking control of the capital's streets yesterday, Nawaf said, to search for Iraqi stragglers and begin rounding up the thousands of Iraqi weapons picked up by Kiwaitis.

Kuwait officials estimate it will take $20 billion to $25 billion to rebuild the country, but the citizens seen undaunted by the task.

"So what? We keep building all the time. That is the nature of the human," said Ahmad al-Hindl, 39, a city policeman who was a resistance fighter during the occupation.

Joyful Kuwaitis and soldiers cruise constantly up and down the capital's seaside corniche firing guns into the air. At last 10 spent bullets have landed in a hotel swimming pool across the street from the U.S. Embassy, a favorite spot for celebrations.

Knowing their nation might be devastated when the allies launched their attack to liberate Kuwait, many Kuwaiti families had stockpiled supplies in the typically lavish fashion of this oil-rich emirate.

Salch al-Hashem said that until the power went out and their refrigerators quit working, his family feasted on smoked salmon and cavier bought from a store looted by "Iraqi soldiers who knew nothing of good things. They took only the champagne."

Osaibi, 57, said he had stockpiled several month's worth of food on his roof—Iraqi soldiers invaribly searched basements first—for his family and their two Asian maids.

"The problem is drinking water," he said, explaining that a well in his back yard provided enough salty water for washing, but that his 6,000 gallon cistern for potable water buried next to the well was getting dangerously low.

"For baths, we do it the old way." he said with a grin, referring to the quick scrubs with fire-warmed water the Kuwaiti's ancestors used to take before oil was discovered here in the late 1930's.

But the sorrow of the Kuwaitis is nothing compared with their joy and gratitude at being freed.

Shukri al-Hashem, the man who slaughtered the cow, said, "When I killed that cow, there was an American soldier there, and I told him. "Please don't feel strange here 'This is your home'."

"When he looked at me kind of strange, I said, "No no. I really mean it. You're now in the 51st state."

[From the Philadelphia Inquirer, Mar. 4, 1991]

IN KUWAIT, A TESTAMENT TO TORTURE

(By Larry Copeland)

KUWAIT CITY.—At Rigga Cemetery, the narrow mounds of dull gray dirt stretch solemnly toward a row of windswept evergreens. In the background, four thick plumes of burning oil darken the azure morning sky.

This is Saddam Hussein's legacy to Kuwait, the resting place for many victims of his ruthless seven-month rule of this tiny country.

But these are not the graves of faceless victims.

Shakir Mohammed saw to that.

For months, the cemetery caretaker kept a Polaroid camera hidden in a light fixture. As each battered body was delivered through his gates, Mohammed slipped out his camera and took a picture.

Yesterday he brought out a weathered folder filled with the gruesome evidence—pictures of mangled bodies of jaws ripped askew, or faces beaten until hardly human, of heads split open and caved in.

These were the victims of Saddam Hussein's secret police, delivered to Rigga Cemetery from nearby Al-Adaan Hospital after doctors could not repair work done in torture chambers.

Mohammed stood amid the rows of simple graves yesterday, pointing first to graves that occupied one-third of the cemetery.

"From here back," he said, "is before Aug. 10."

He turned and made a sweeping gesture with his right hand, taking in the rest of the cemetery.

"From here to the trees," he said, "these are people who were brought here since Aug. 10."

Since the Aug. 2 Iraqi invasion, Mohammed said, he has buried 2,750 people. Only 400 of them died of natural causes.

And, he is quick to point out, Rigga is one of many cemeteries in Kuwait.

Every fresh mound in Rigga tells a story.

Mohammed tells those stories in calm, reasonable tones as he walks among the graves.

Here, near the front of a section reserved for children, is a mass grave 23 paces long. It contains the remains of 37 babies, including infants who died at Al-Adaan Hospital after their incubators were disconnected, Mohammed said.

Most of the tiny bodies, now covered by a foot-high mound of fine gray dirt, were brought to him Sept. 4 and 5, he said.

"Many of them had been left in the hospital for about a month," he said. "And when they came here, they came rotten. They stayed in the freezer at the hospital for over a month."

Mohammed said he also had buried more than 50 children since Aug. 10.

A few steps away, there is a shorter mass grave, covered by freshly turned, tan dirt.

It is the grave of six children who were crushed by Iraqi tanks and trucks last week as the trucks rushed to flee Kuwait, he said.

"Some of them, you just have parts of the body there," he said. "There is a leg of a girl that was cut off by a tank."

Across a narrow access road, two rows contain 20 mass graves. Each grave holds the remains of four to seven Kuwaitis, Mohammed said.

Some of the graves contain the remains of Kuwaiti national guardsmen who fought to protect the Ministry of Defense headquarters during the invasion, he said.

Though accounts of alleged Iraqi atrocities slipped out of occupied Kuwait, there is no independent confirmation of the stories or those told by Mohammed.

Short of exhumation, the world may never know for sure what is contained in the shallow trenches here.

The minister of state for cabinet affairs says that 25,000 Kuwaitis were killed, detained or simply diappeared from Aug. 2 to Feb. 20. An additional 8,000 people were kidnapped from Feb. 21 to 23 as the fleeing Iraqi soldiers tried to strengthen their flimsy bargaining position.

"The minister, Abdul Rahman al-Awadi, said the estimates were conservative.

Rigga Cemetery is about 18 miles south of Kuwait City in the flat, barren desert. Rows of hardy trees divide the cemetery into sections. Nearby there is a line of red and white high-voltage towers, and in the distance there are oil fields and a few houses.

The toll of the gruesome work on Mohammed is apparent. He is 29, but the grim duty has lined his face and turned his hair prematurely gray. Thick-bearded, heavy-set, he looks like a 50 year old.

Mohammed is an Interior Ministry employee who took over at the cemetery after the regular caretaker left last year.

In the adult section, graves dug since the occupation have a crude concrete marker at each end. "When the Iraqis were here, you could not get a hold of proper materials for Kuwaitis," Mohammed said.

Some of the victims' names are handpainted in Arabic letters on the front of the gray markers—each roughly the size of a city telephone directory.

On top of each marker, in the same blood-red paint, is a single word: "Martyr."

Some families have left identifying markers on graves—an empty soda bottle, a balloon, a piece of pink pipe.

A few feet away from the graves is a simple box used to carry bodies. It is seven feet long, two feet wide, about a foot deep, with handles on either end. On the polished aluminum bottom lies a burial cloth, its bright red, green, yellow and purple stripes somehow incongruous in this place.

Beside that stands a small wheelbarrow, filled with four headstones.

And over there, under another fresh mound, rest two brothers, ages 5 and 8, from the Kuwait City suburb of Umm al-Hiamen. Their graves serve as reminder that the Iraqis may be gone, but their legacy of death is not over.

The boys' family was forced out of its home by soldiers who wanted the house for a neighborhood base of operations.

The family returned Friday. The boys found a mine left by the Iraqis.

"This is what happened," Mohammed said.

About 100 yards away, there's another grave, freshly dug. Five Iraqi soldiers, killed by members of the Kuwaiti resistance as they tried to leave the city, are buried there.

But the largest grave at Rigga Cemetery, a huge trench 10 feet wide, four feet deep and 60 yards long, is—mercifully—empty.

And it will stay that way.

It was dug for Kuwaiti soldiers killed in the ground war.

Mr. GARN. Mr. President, I was happy to yield the time to the distinguished Senator from Pennsylvania because, as I mentioned yesterday, I have no disagreement with what he is attempting to do. He is right, and I do believe that Saddam Hussein ought to be tried for war crimes. I think there is overwhelming evidence that this is true.

My only objection is that, as I outlined yesterday, and I wish to repeat today so that everybody totally and completely understands my position, I would enthusiastically vote for this amendment if it were on another bill where it was germane, or if it were a freestanding amendment. What the distinguished chairman of the Banking Committee and I have been attempting to do for the last week or more is to approve emergency funding for the Resolution Trust Corporation, because we are adding $7 to $9 million per day of additional costs to the taxpayers by not passing the $30 billion of funding, so that the brain dead S&L's can be closed to stop the hemorrhaging and additional losses to the taxpayers. So, while this is a very good amendment, and the timing is certainly correct, it is in the wrong place, and I am afraid that it would delay the passage of this necessary funding and, therefore, cause additional costs to the taxpayers.

So once again I want to make it very clear, I agree with the Senator from Pennsylvania. It is a good amendment. I wish I could vote for it on a different piece of legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I discussed this issue yesterday briefly with my distinguished colleague from Utah. I will endeavor to have discussions with the leadership, the majority leader, to see if it might be severed for purposes of voting as a freestanding resolution.

That, frankly, would not be my preference, because I think it has a better chance of being enacted if it is on this bill. But I understand the considerations which my colleague from Utah has articulated.

Mr. GARN. Mr. President, I only suggest to my colleague if he knew how the House of Representatives behaved on this particular matter, he may not be so convinced it is going to be enacted into law. We passed this legislation in a smaller amount last October. The House of Representatives killed it and have yet to pass it. It may not be as good a horse as the Senator from Pennsylvania thinks it is.

Mr. SPECTER. Mr. President, it is difficult for this Senator to evaluate the quality of horses that have to run all the way from here to the other Chamber. But I would seek to be accommodating to have it as a freestanding resolution and, if that is unsuccessful, I would only hope that my colleague from Utah would know that the exception proves the rule and support this resolution even though it would be contrary to the general rule under which he operates.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, if I may join this discussion, I want to say to the Senator from Pennsylvania that I, too, very much respect the effort he is making here and the issues he raises. I read the Senator's amendment and I see the care with which it has been written. I think these are important issues to be raised.

We obviously have, as a practical matter, an issue of germaneness on this particular piece of legislation. Obviously it is not germane as such to this particular bill that is before us now.

As it has been discussed before by the Senator from Utah, we have undertaken in discussions with a number of colleagues who have had amendments, all of which were germane, to indicate that in order to expedite the passage of this emergency funding request we would not be willing to accept amendments to this bill. I am sure the Senator knows on all previous instances on which we voted here, the votes have been on tabling motions and that really had not been an expression of prejudice against in each and every case to ideas that were being raised. It was a

question as to whether this was the time and this was the vehicle on which those issues should be dealt with.

That question becomes even more complicated in terms of the subject matter that the Senator raises because, as the Senator has acknowledged an indicated willingness to have it severed and stand separately if that is feasible, this is clearly a matter that is outside the scope of this bill, but nevertheless, in the Senator's mind and the minds of many an item that needs to be addressed on a timely basis and acted upon in some manner by the Senate as a whole.

So, my view would be that I am very sympathetic to what the Senator from Pennsylvania has in mind here. I think there does have to be a formal accounting for war crimes that I think clearly were committed here. I am not sure I see a means available to us right now that would accord a treatment for the Senator's amendment different than that which has been accorded other amendments that have come before.

So maybe a discussion should ensue on the question of whether or not this would be a matter that could be taken up in its own right after disposition of this bill.

Obviously the debate has been had. So if others want to engage in the debate who have not been heard from, presumably there would not be a long period of time needed for that, but I cannot presume to speak for the leadership on either side with respect to the calendar generally, or what they may have in mind.

I have great respect for the Senator from Pennsylvania as he knows, and I have respect for the work that has been done to prepare this. So my reservation—and I put it that way as opposed to objection—my reservation is that it ought not to go on this bill at this time for reasons that I have already cited.

At this point I am not sure much more can be said about it, so I will yield the floor now.

Mr. MCCAIN. Mr. President, I wish to make a few remarks about the amendment offered by the Senator from Pennsylvania. I want to say that I approve of the substance and purposes of the Senator's amendment. Indeed, there are at least three other legislative intitiatives already introduced that seek to accomplish the same things, two of which I cosponsored and one which I sponsored. Obviously, I am happy to support any initiative that may have the effect of hastening the day when Saddam Hussein, and the other political and military leaders of Iraq receive their just desserts for their crimes against humanity.

Senator COCHRAN introduced a resolution expressing the sense of the Congress that a war crimes tribunal should be convened. Senator MCCONNELL introduced S. 253, directing the President to coordinate the convening of a war crimes tribunal. As I understand it, Senator MCCONNELL'S bill is presently awaiting hearings by the Foreign Relations Committee. I enthusiastically support both these intitiatives.

I appreciate Senator SPECTER'S amendment also. However, given the urgency of the bill which the Senator seeks to amend, I wonder if it might not be more appropriate for the Senate to consider one or more of the intitiatives that are already pending on this question.

Additionally, I felt it important that any legislation on this question include language that makes reference to the crimes against humanity that Saddam Hussein committed when he ordered millions of gallons of oil to be dumped into the Persian Gulf and when he directed the entire oil production infrastructure of Kuwait be destroyed. None of the other worthy legislation introduced thus far identified those crimes as war crimes.

Thus, I felt compelled to introduce Senate Resolution 69, which cites Iraq's violation of the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques, to which it is a signatory. I felt it was important that the Iraqi leadership be held accountable for their environmental terrorism, as well as all their other war crimes.

I commend the Senator from Pennsylvania, as well as the Senators from Mississippi and Kentucky, for attempting to put the Senate on record supporting not only peace, but justice in the Persian Gulf. I support all the provisions of their legislation, but hope that the Senate will recognize environmental terrorism as a war crime as well.

The PRESIDING OFFICER. The Chair will advise all time has expired on the discussion of the amendment.

Mr. RIEGLE. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will withhold, the Chair will also indicate that under the order, the amendment will be now laid aside until all amendments that have been proposed to the bill are disposed of.

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

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

Mr. SYMMS. Mr. President, I rise to speak on the upcoming vote on the bill that is pending before the Senate, the Resolution Trust Corporation Funding Act of 1991. I guess I would say it probably will be about as unpleasant a vote as any Senator will have to cast this year.

I am sure that my colleague from Michigan and my colleague from Utah have not found this the most pleasant task that they have had to go through, because every Senator can come in and find something that he or she would rather see $30 billion spent on—how much closer we might come to a cure for cancer; how much better we could fund education, or what kind of a blow could be delivered in the drug war; all kinds of things that everyone could name. Given the great success of the Patriot missile against the Iraqi Scuds, what strides we could make toward building a shield to protect us against future nuclear strikes from some adversary.

But yet, in my opinion, the distinguished Senator from Utah and the distinguished Senator from Michigan have made the case very well. There is no choice except to vote for the Resolution Trust Corporation with the funding it needs to carry out the job.

If we fail to provide the funding, if it protected the taxpayers, then I think we could say maybe we should not vote for it. But I do not think that is the case. It would be just the opposite. The effect will be that the S&L's that are currently losing money, many of which will soon have significant negative net worth, will continue to lose money. They will go deeper in the red. They will cost the taxpayer even more when those thrifts are finally put out of their misery.

According to the Department of Treasury, if Congress delays for 3 months, the cost to the taxpayer will increase another $750 million. So delay is not in the taxpayer's interest.

Some have argued that the RTC ought to look for alternatives, including selling off some of its stockpiled assets. I think that is a great idea. The inventory of assets is alarming. And the longer RTC holds the assets, the more they deteriorate, the more they devalue, the more they depress the local real estate market.

On the other hand, under current market conditions, it is hard to see how putting these properties up on a fire sale helps the taxpayers. Perhaps there is something the Congress can do with some form of a tax incentive which would help the RTC move these properties more quickly. I think that is something we should look into at the appropriate time and on the appropriate committee. I hope we will do that on the Senate Finance Committee this year.

I think one of the best things we could do to reduce the liability of the taxpayers would be to reduce the rate of taxation on capital gains, because it would build the asset value of many of these fire-sale-priced assets today.

But, having said that, Mr. President, I do not think we should hold the

RTC's resolution operations hostage while we are looking at the alternatives.

There is one other thing I think needs to be said because I am sure all Senators have this problem. When they go home people say: Why are you bailing out the S&L's? This funding does not go to underwrite what people have referred to, the current activities of the poorly run S&L operations. It goes to protect the depositors who relied on the guarantee of the Federal deposit insurance in making those deposits. In a broader sense, this funding also goes to pay a bill that was incurred on the taxpayers' behalf years ago.

Everyone has their favorite list, Mr. President, of the causes of the S&L mess. Mine includes the archaic regulatory structure the President has proposed to reform, extremely lax supervision, the interference by Congress when the regulators tried to act, the 1986 Tax Reform Act which whipsawed the asset base of the thrift industry—real estate—by replacing far too generous tax provisions with downright punitive provisions and did so on a retroactive basis.

I can remember when the distinguished Presiding Officer and I were in our first year here in the Congress we really sweetened up the real estate taxes. I remember at the time that happened, in 1981, a very good CPA who I knew, who had worked with some people I am very close with in my State, a small town CPA, called me up and said, "What are you guys doing tampering with the real estate depreciation provisions in the tax law? They are fine the way they are. Do not tamper with them. Just lower the rates."

I can remember how clearly he argued. He said, "Steve, lower the rates on taxation but do not loosen up and make more generous, encourage people to invest money in real estate just because you sweetened up the tax deal."

But we did it anyway because we were in a bidding contest at the time, back in 1981, with the House of Representatives. Republicans were in the control of the Senate and the Democrats were in control of the other body. We wanted to all be sure we showed the taxpayer who was the most generous. So those real estate loans or real estate investments were sweetened up and a lot of money went into real estate.

Then in 1982 and 1984, and finally in 1986 a lot of that was taken back out of the system and they were like someone who had been hooked on heroin and then withdrawn from the heroin. That is exactly what happened. So that has compounded the problem of the S&L's.

That is why I want to say again that these Senators who have worked on this bill, I believe, have made a very good case. I hope all my colleagues on both sides of the aisle do what I am going to do. It is not particularly a pleasant vote. But I think we should bite the bullet, we should hold our noses, if that is what it takes, and vote for the bill. Because any alternative, and every day we stand here, it costs our constituents more money. It slows things down.

I want to take this opportunity to commend Senators on the Banking Committee for bringing this bill forward, taking the heat—that is what we get paid to do. Let us get this vote over with, get this bill passed, get this behind us so the taxpayers will not have to bleed any longer because of the situation.

Once we have done that, then we can address each of our favorite reasons, why this all happened and try to make those corrections so it will not happen again to the taxpayers, on the Federal deposit insurance or any other federally insured program.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. 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. D'AMATO. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business, I advise the distinguished Senator from New York, is his own amendment.

AMENDMENT NO. 13

Mr. D'AMATO. Mr. President, I am going to ask unanimous consent shortly that the amendment I have submitted be withdrawn.

Before I do that let me, if I might, just state the purpose of the amendment. I believe we have been able to reach a salutary compromise.

My amendment was intended to see to it that working middle-class families, particularly those who live in high-cost areas—and I note the President would have constituents in Illinois who would be affected—certainly those in our metropolitan regions would be affected as a result of the RTC's foreclosures on certain properties.

Under the RTC's current policy, such people with leases, such people who are in rent control apartments would find themselves without protection. Indeed, the RTC could literally evict them for the purpose of moving and disposing of this property.

I do not think the RTC's interests are served and I do not think it is in the interest of this Nation to take working middle-class families, to displace them, to put them out on the street—particularly in areas where there are limited housing opportunities available.

The RTC, in an effort to resolve this matter and to deal with that, has proposed and, indeed, has adopted a resolution which states that the RTC will not evict families who earn up to 115 percent of area median income.

But, Mr. President, a working couple that earns $35,000 to $45,000 may not be covered by this policy. I submit to my colleagues that if you took a sanitation worker whose wife works as a clerk in another area, they are not protected by that 115-percent cap of median income. If they earn $1 above, they are out on the street. They have to try to find an apartment, a place to live overnight or for a longer period of time. They are displaced, through no fault of their own. Even though they are paying their rent, the RTC will evict them.

In the State of New York, litigation has been brought. I am very fearful that litigation will not be successful. But, in addition, our job is not to protect the wealthy. What about the people in the rent control apartment making $100,000, $150,000? Indeed, there are situations—they may not be numerous—there are situations, indeed, where there are apartments that are valued at $1 million and more where people are paying $500 a month, $600 a month, $700 a month, that have incomes far in excess, into 6 figures. That should not be permitted. The taxpayers of the United States should not subsidize that.

So what I had proposed in my amendment is to raise that limit to 175 percent of area median income. That would then be $65,000 in New York. Certainly working families who earn up to $65,000 should not be considered to be wealthy. But for those over and above that amount, they will hopefully be in a position to find affordable, suitable housing. So it was with that idea that we offered this amendment.

I have been advised by the Parliamentarian and by both distinguished managers of the bill that, withstanding that there is no direct financial implication of my amendment that, indeed, under the strict interpretation of the Budget Act a point of order could be raised that would jeopardize the entire bill.

There is no doubt that someone might raise such a point of order, someone who is not in favor of the pending legislation. And I think, without getting into a debate about the merits of the legislation, no one wants to provide more. But at some point in time we have to do the business of the people. To delay I think will cost the American public and taxpayer more money.

So I am not going to jeopardize this bill, nor do I think we would adopt this amendment. It would be defeated not on the merits but on the fact that it would endanger the passage of the legislation.

I have been in communication with the Resolution Trust Corporation, and

indeed with Chairman Seidman, indeed with David Cooke; indeed I have even spoken to Director Ryan. They have indicated to me—and I am going to ask unanimous consent that this letter be printed in the RECORD—that they are very hopeful the board will adopt, and they have indicated to me they will adopt language that will raise the limit from 115 to 175 percent of median income.

What have we done? To boil it all down, we are protecting those working middle-class families who have incomes of $65,000 or less. They cannot be evicted, put out on the street through no fault of their own, and placed in a situation where they then have to go out and look for housing that may or may not exist in that area and that they may or may not be able to afford. It seems to me that the policy I am suggesting is something that makes sense.

We are not looking to empower the wealthy to stay in ad infinitum at the expense of the taxpayers.

I am very appreciative of the efforts of the Resolution Trust Corporation and its people to work out a salutary decision.

I ask unanimous consent to print in the RECORD the March 6, 1991 letter.

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

RESOLUTION TRUST CORPORATION,
Washington, DC, March 6, 1991.

Hon. ALFONSE M. D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: I am writing to confirm that, at the request of Director Ryan, the Board of Directors of the Resolution Trust Corporation will pursue your suggestion that we increase the exemption from repudiation of rent-regulated apartment leases from 115 percent to 175 percent of median income of the area.

I hope this information is of assistance to you. Please let me know if you have any questions.

Sincerely,

DAVID C. COOKE,
Executive Director.

Mr. D'AMATO. Mr. President, I do hope this matter, which the Resolution Trust Corporation has indicated they will be reviewing this Tuesday, will be a great relief for thousands of tenants throughout this country who face a troubling situation and a very real potential hardship through no making of their own. I do hope that the RTC will adopt this policy and I have every reason to believe the RTC will do so after speaking with Mr. Ryan and after speaking with Mr. Seidman, the Chairman of the Board.

With that, Mr. President, I ask unanimous consent that I may be permitted to withdraw the amendment I have submitted.

The PRESIDING OFFICER. Without objection, that amendment is withdrawn.

The amendment (No. 13) was withdrawn.

Mr. D'AMATO. I thank the President, and I thank my distinguished colleagues and managers of the bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I rise to thank my colleague from New York on his willingness to work this out and not hold up this bill in any way. I think he recognizes the importance of passing this funding measure, and by working this out and not bringing it to a vote on the floor, helping us to keep a clean bill, I want to thank him for that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, I would like to congratulate my able friend and colleague, the junior Senator, for the amendment he has offered but which, prudently and I think wisely, he has chosen to withdraw with the prospect that the Board of the Resolution Trust Corporation will consider this matter at a meeting in the near future. The amendment by my colleague would have increased the number of people who would be protected from an unjust policy that the RTC announced last week, and so it had my support. However, this policy assumes that Congress gave RTC the authority to evict people in rent stabilized apartments in order to increase the apartment's resale value, even though RTC would be disaffirming State and local law in the process. While I support this amendment, I in no way concede that RTC has this power.

I wrote Mr. Seidman last October to protest the threat of such evictions. After months of study, the RTC announced on February 22 that it would not evict those tenants whose income does not exceed "115 percent of the median income in the area involved." In New York City, 115 percent of the median income for a family of four is $33,925. Although it has made a final policy announcement, RTC cannot even tell me how many families in its New York City apartments fall above this threshold.

The D'Amato amendment would have raised the threshold in New York City to $51,625, by my calculation, which sounds like a lot to many of my colleagues, but I assure you that in New York it is not. Those families with greater incomes will be subject to eviction, and every eviction will have been accomplished by usurping State or local law.

Mr. President, Congress did not intend that RTC should have such authority. Disavowing State and local law is an action that must be taken only in the most serious of circumstances. Evicting people from their homes in order to increase the resale price is not such a circumstance. RTC has no right to the windfall profit that would result. It is free to sell these apartments for the same price that the failed savings and loan institution could have. Its return would be the same.

Let me read the language we passed in FIRREA, title 12, United States Code, section 1821(e)(1), from which RTC claims to derive this authority:

> In addition to any other rights a conservator or receiver may have, the conservator or receiver for any insured depository institution may disaffirm or repudiate any contract or lease—
>
> (A) to which such institution is a party;
>
> (B) the performance of which the conservator or receiver, in the conservator's or receiver's discretion, determines to be burdensome; and
>
> (c) the disaffirmance or repudiation of which the conservator determines * * * will promote the orderly administration of the institution's affairs.

This is a long way from a grant of authority to override State and local law. RTC is wrong to interpret it to do so. Senator D'AMATO's amendment would have increased the number of people protected from this unjustified interpretation.

The 115-percent threshold is too low. And the 175-percent thereshold is too low. But the real question is whether Congress ever meant to grant such autority to RTC in the first place. No one should be forced from his or her home on this basis, and I suggest that regardless of the outcome of this vote, we have not heard the last of the matter.

Seeing no other Senator seeking recognition, I respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The distinguished senior Senator from New York suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. 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. CHAFEE. Mr. President, I ask the managers of the bill if they have any objection if I would proceed in morning business for just a few minutes. I could tailor my remarks to the length of the period they have available.

If the Senators wish to move on to something very quickly, I can certainly make my remarks short.

Mr. GARN. Mr. President, we are simply in a waiting mode at this time, trying to finish the bill, but have no

one available to speak. So the Senator can proceed as he wishes. I doubt we would have to interrupt. I expect he would be through before we are ready for the next amendment.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for so much time as he needs to proceed as if in morning business.

Mr. CHAFEE. Mr. President, I thank the managers. If somebody should appear wishing to present an amendment, if they will let me know, I will put the remainder of my statement in the RECORD.

FIVE CORPORATE CHIEF EXECUTIVE OFFICERS TESTIFY REGARDING THE WIC PROGRAM

Mr. CHAFEE. Mr. President, I would like to take a moment this afternoon to draw my colleagues' attention to significant testimony that was heard yesterday in the House Budget Committee and which was referred to in this morning's Washington Post in an editorial. The testimony was that of five chief executive officers of major corporations in support of the special supplemental feeding program for women, also known as WIC.

The chief executives who testified were Mr. Robert Allen of AT&T, John Clendenin of BellSouth, James Renier of Honeywell, Robert Winters of Prudential Insurance, Co., and William Woodside of Sky Chefs, Inc.

As my colleagues know, the WIC Program provides food vouchers for milk, infant formula, juices, cheese, fruit, and cereals to low-income, pregnant women, with infants, and women with children under 5 who are at risk of serious nutritional deficiencies. It also offers prenatal care and health and nutritional counseling.

Unfortunately, Mr. President, I think that in Congress we have a tendency to look at programs, programs that spend appropriations, and these programs generally are looked at as money losers rather than money savers.

I think it is fair to say that few of us would make an immediate association between the concerns of the business community and domestic nutritional policy. What do they have to do with each other—the business community over here, trying to produce products, make profits, have jobs for Americans and, on the other hand, domestic nutritional policy.

It would seem that these roads would never meet. Many would assume that they have about as much in common as apples and fiber optics. Both of these assumptions are false, however.

First, WIC is an exemplary money saver. It is easily one of the Federal Government's best and most cost-effective programs. It is a simple concept—making sure that mothers and children receive good, basic, nutritious foods and avoid nutritional deficiencies.

It is remarkably effective in achieving these goals. Study after study has shown that, for every dollar invested in WIC, there is a savings of about $3 in long-term health care costs and developmental problems.

One persuasive study to this effect was released by the U.S. Department of Agriculture about 7 months ago, on October 1, 1990. The report revealed that for every dollar spent on the prenatal WIC Program, the associated savings in Medicaid costs—Medicaid, of course, paid by the Government; half by the Federal Government, half by the State government—the savings in Medicaid during the first 60 days after birth range from $1.77 to $3.13 for every single individual served.

For each pregnant woman who participated in WIC, the Government thus saves itself between $200 and $600 in Medicaid costs in the first 60 days after birth, as opposed to those pregnant women who did not participate in the program; the answer being, of course, that those pregnant women who did not participate in the program had to avail themselves of Medicaid services for a far longer time.

WIC's success should not be characterized solely in terms of money saved. Equally important is that WIC reaches infants and children at what is widely considered the most important point in their physical and mental development—early on. The earlier the better that we can provide good nutrition, good health care for infants and, of course, in the prenatal period as well. At that true critical stage, the prenatal period, or in their early days and weeks of life, lack of crucial nourishment can mean impairment of cognitive functions and other developmental problems.

That kind of disadvantage is permanent. It does not go away. It is permanent. It is severe. It is a heavy and unfair burden for a child who has not even begun kindergarten. Participation in WIC has proven not only to help reduce risks of childhood anemia, low birth weight, and infant mortality, but to actually make a difference in the child's ability to function well at school.

That is exactly where the second assumption comes in, that business concerns and nutrition concerns are unrelated. That is the automatic assumption in America. What do they have in common? Here is where that assumption falls flat on its face. Better nutrition, better preventive health care, lower financial costs, and in the end better prepared youngsters for school and life beyond is exactly what is important to corporate America.

As the business world tries to gauge future U.S. competitiveness and economic growth, it is recognized that, without investments in worthy programs such as WIC, we are denying a significant amount of human potential for our society—and thus a significant resource to our economy, and to all of our well-being.

I believe it will become increasingly obvious that America's ability to ensure the health and well-being of its citizens and America's ability to compete in a tough economic market are inexorably linked. That goes double for children, and I cannot emphasize that enough. We simply must pay more attention to our children and their well-being if we want them and our Nation as a whole to thrive.

In conclusion, I would like to quote the five chief executive officers who testified yesterday. This is what their agreed-upon statement said: "WIC is the health care equivalent of a AAA-rated investment." That is the end of the quote. May I say WIC is not a win-lose game. It is a win-win game for everyone. Simply put, whether you count yourself as prochildren or probusiness—and I think most Americans are pro both—you end up being pro-WIC. That is pro-America.

I ask unanimous consent, Mr. President, that today's Washington Post editorials on WIC and corporate America be printed in the RECORD.

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

[From the Washington Post, Mar. 7, 1991]

HUNGRY CHILDREN AND THE CEO'S

Failures of social policy sometimes have astonishingly deep consequences. Businesses complain increasingly about the poor preparation of the average young American coming into the labor force. That has led many business people to take a sharp interest in the school systems that are producing their employees. Going farther, some of these employers have discovered that the schools often get children too late to have much effect on their development. That's why the heads of five large corporations appeared before the House Budget Committee yesterday to press for the full funding of WIC—the federal program that pays for supplemental food and nutritional guidance for pregnant women, infants and small children up to the age of 5.

The general condition of the country's least fortunate children—the one-fifth whose families have the lowest incomes and the least access to medical care—is not only wretched but clearly getting worse. The traditional social welfare lobbies and their friends in Congress haven't been able to do much about a deteriorating trend over the past decade.

But it's possible that the rising concern among business leaders can make a difference in social politics. The five who testified before the Budget Committee were all chairmen of their companies—Robert E. Allen of AT&T, John L. Clendenin of BellSouth, James J. Renier of Honeywell, Robert C. Winters of Prudential Insurance and William S. Woodside of Sky Chefs. A week earlier, an influential business organization, the Committee for Economic Development, published its report on child development and education making a similar case. Honeywell's Mr. Renier was head of the task force that wrote it.

In their testimony, the five pointed out that WIC money reaches slightly over half of

the impoverished women and children eligible for it. Next year more than 3 million will be left out and hungry. Malnutrition among pregnant women means high rates of illness and other handicaps among their babies. One federal study suggested that every dollar spent on WIC saves between two and three dollars in Medicaid payments in the first 60 days alone of an infant's life. The country complains bitterly about the soaring costs of Medicaid, but has trouble finding the money for the simplest kind of prevention.

The five corporation chairmen emphasized the implications for the competitiveness of the American economy. It would cost about $2 billion a year to extend WIC to all the women and children eligible—"an excellent investment," they agreed, "in our nation's children, its economy and its overall future."

[From the Washington Post, Mar. 7, 1991]

CORPORATE CHIEFS PROMOTE INFANT CARE

(By Paul Taylor)

The five witnesses who paraded before the House Budget Committee yesterday to call for a near doubling of the Supplemental Food Program for Women, Infants and Children—commonly known as WIC—said all the predictable things.

They talked of the "communal blindness" of a society that allows babies to go hungry. They talked of the growing gap between the haves and have-nots.

They talked of how "profoundly worried" they are about the state of the nation's children and families. One witness even had the flair to quote Winston Churchill: "There is no finer investment for any community than putting milk into babies."

Who were these bleeding hearts?

Social workers? Welfare mothers? Children's advocates?

None of the above. They were chairmen and chief executive officers of some of the nation's best-known corporations: AT&T, Prudential Insurance, BellSouth, Honeywell and Sky Chefs Inc.

Their appearance on Capitol Hill yesterday was evidence of the new attention the corporate community is paying to the plight of young children—a concern that appears to grow out of frustration with the slow pace of educational improvement despite the investment of billions of public and private dollars over the past decade.

"The initial response of the business community with regard to education was to look at it and say, 'Gee, we need more math courses and we need more science courses and all of that," James J. Renier, chairman and CEO of Honeywell, told the committee. "But in looking at it we began to understand also that we have a giant social agenda that * * * is diluting the ability of the educational system to deliver the academic agenda. One of the major factors is what has happened to little kids. And so going down that logic tree, one of the best things you can do to help solve the educational crisis in the United States today is to work on the problems that affect little kids from minus nine months to the time they get to kindergarten."

John L. Clendenin, chairman and CEO of BellSouth, said nine out of 10 high school graduates flunk his company's job entrance exam, even though it is pitched to 10th graders. "The problems of how to get a trainable work force are really looming larger for all of us," he said. "Our initial conclusion was that we really needed to fix the school curriculum. * * * But when we started to look at it we suddenly realized that we had loaded onto the schools a whole host of society's problems, everything from teenage pregnancy to drug problems to the breakup of families, and the school can't handle the overload."

Robert C. Winters, chairman and CEO of Prudential, said the "money withheld from children today will be spent in far greater sums on emergency rooms, drug counselors and prison tomorrow." He cited a recent Agriculture Department study showing that for every WIC dollar the government spends on prenatal care for a pregnant mother it saves between $1.77 and $3.13 in Medicaid costs in the first 60 days of her baby's life.

Robert E. Allen, chairman and CEO of AT&T, said, "Like the cobbler raising barefoot children, we seem more intent on outfitting the world for freedom than fulfilling our obligations at home."

William Woodside, chairman of Sky Chefs, an airline caterer, said: "I'm a firm believer in reducing the deficit * * * but the poor children whose lives may be altered by the WIC program are not responsible for the deficit."

The $2.4 billion WIC program provides milk, cheese, infant formula, eggs, cereal, juice and peanut butter, along with health and nutrition counseling, to low-income mothers, infants and children under age 5. At present, only 54 percent of the participants eligible under federal guidelines receive the service. The corporate executives called for full funding by 1995.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 593 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

COMMENDING AND THANKING FORMER PRIME MINISTER THATCHER

Mr. MITCHELL. Mr. President, on behalf of myself, Senator DOLE, and Senator SIMPSON, I send a resolution to the desk and I ask that it be stated and immediately considered.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 75) commending and thanking former Prime Minister Thatcher.

Resolved, That the Senate of the United States expresses its deep admiration for the remarkable leadership that former British Prime Minister Margaret Thatcher has provided to her nation and to the cause of freedom in the world; and that the Senate reaffirms the appreciation of all Americans for the friendship she and her nation have shown to the United States during her years of leadership of the British Government.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, I call the attention of the Members of the Senate to the presence on the Senate floor of former Prime Minister Margaret Thatcher, and I welcome Mrs. Thatcher on behalf of all of the Members of the U.S. Senate and all of the American people.

[Applause, Senators rising.]

Mr. MITCHELL. I am pleased to join Senator DOLE in the resolution commending Mrs. Thatcher on her tenure as the head of the government of the United Kingdom.

As Prime Minister, Mrs. Thatcher led Britain during an important period in Trans-Atlantic relations and history. She supported the successful NATO deployment of INF missiles in NATO countries, including her own, a deployment which led to the success of negotiations to eliminate those missiles on both sides of the cold war.

Her term in office spanned the dramatic events surrounding the collapse of the Warsaw Pact and the beginning of the end of communism as a force in Central European affairs, events which will change our world more dramatically with each passing year.

Prime Minister Thatcher was a steadfast supporter of U.S. and NATO alliance goals. She strengthened the historically close relationship between Great Britain and the United States, a relationship which was furthered during the recent Persian Gulf crisis.

In so doing, she helped reinvigorate that "special relationship" between our two countries. Her visit to the United States provides an opportunity for all Americans to reaffirm and be thankful for that special relationship and to thank the very gracious woman who helped maintain it for so many years.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I really cannot add much to what has been said by the majority leader, but, being a Senator, I will. [Laughter.]

As the majority leader indicated, we had an opportunity to meet with Prime Minister Thatcher just before coming on the floor, and we expressed to her our personal admiration for the many contributions she has made in her own country, in United States-British relations, and around the world.

Obviously, many of my colleagues have already welcomed Prime Minister Thatcher. The welcome she has received indicates that all members of the Senate share a deep admiration for her.

Having been in politics nearly three decades, I have a special appreciation for the political leadership she has provided throughout her career.

President John Kennedy wrote a Pulitzer Prize winning book of leadership, titled "Profiles in Courage." If that kind of book was written today about international diplomacy, there would be a chapter on Margaret Thatcher.

So I join in this recognition of a great leader of Britain, a great friend of the United States, and a statesperson of world class.

Mr. MITCHELL. Mr. President, I ask that the resolution be agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 75) was agreed to.

[Applause, Senators rising.]

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I will momentarily ask for a brief recess and I ask all Members of the Senate present and those who can do so to come to the floor to extend their personal greetings and best wishes to former Prime Minister Thatcher.

RECESS UNTIL 3:05 P.M.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess until the hour of 3:05 p.m.

There being no objection, the Senate, at 2:52 p.m., recessed until 3:05 p.m., when called to order by the presiding officer [Mr. LIEBERMAN].

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

PRIME MINISTER MARGARET THATCHER

Mr. HELMS. Mr. President, I thank the Chair very much. We have had the pleasure of meeting an old friend—let me correct that—a young friend who has been long in service to her country and to the free world, Prime Minister Margaret Thatcher.

I remember a song I learned many years ago from a lady who had served in the Red Cross in France. She had spent some years in London and she loved England. She taught us how to sing:

There'll always be an England.
And England shall be free,
As long as England means as much to you,
As England means to me.

I will say, as a postscript to that, there will always be a Prime Minister Margaret Thatcher in the hearts and minds of the free world.

I would further observe that history will record these past two decades as having produced at least three great leaders in the West: Margaret Thatcher, Ronald Reagan, and George Bush. Of these three, Prime Minister Thatcher was the first. It was, in fact, Mrs. Thatcher who was the first to remind the West of its vision of a free society: Strong, self-reliant, sure of purpose, and determined to restore freedom.

Then came Ronald Reagan. We all remember that Mrs. Thatcher was a special inspiration to President Reagan in his efforts to get the Government out of the way of a free people.

The task which she had faced upon acceding to the position of Prime Minister of Great Britain was a formidable one. Her nation had become mired in socialism and had lost its global reach. Mrs. Thatcher acted surely and swiftly to reverse what some had called the inevitable tide of decline.

President Reagan took her cue and restored America's sense of trust and confidence.

Then President Bush took America's new-found confidence abroad and showed the world the meaning of U.S. strength and power. In this action he was encouraged and strongly supported by Prime Minister Margaret Thatcher. Her sense of destiny, her belief in Britain's forward role in the world, and her willingness to put British arms, diplomacy, and military personnel at the disposal of the coalition was an essential element in the President's ability to act.

That coalition's success was celebrated last night in the joint meeting of Congress.

So, Mr. President, it was entirely appropriate that the U.S. Senate go on record, as it did this afternoon, to congratulate Mrs. Thatcher for the brilliant career which she has pursued up to this moment, and is continuing to pursue, in Parliament. I, for one, and I think I must speak for all Senators—we are indeed grateful to Margaret Thatcher for her work, her support, and her affection for the United States.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent I may speak as in morning business.

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

WINNING THE PEACE IN THE GULF

Mr. PELL. Mr. President, as America rejoices in the stunning success of President Bush's brilliant diplomatic and military leadership in the Persian Gulf war, we must not forget that there is still a peace to be secured and lessons from the conflict to be applied.

While American military might and skill reversed Saddam Hussein's aggression against Kuwait, it should not be forgotten that United States diplomacy prior to the war was flawed. We coddled Saddam for years, even declaring to him just before he invaded Kuwait that the United States took no position on Iraq's dispute with its small neighbor. Taken together, American acts of tolerance toward Iraq very likely led Saddam Hussein to conclude that he could get away with naked aggression.

We are rightfully appalled by the Iraqi atrocities that have been uncovered during the liberation of Kuwait, but why were congressional efforts to punish Saddam Hussein for his genocidal gassing of thousands of Kurds in his own country in 1988 opposed by both the Bush and Reagan administrations?

Just as British and French appeasement of Hitler led to an inevitable war against Nazi Germany, so also did our appeasement of Saddam lead to a conflict that might have been prevented. The lesson of this war, I would submit, is not only that we avoided the military mistakes of gradualism in Vietnam but even more important, we forgot the older political lesson that pampering dictators encourages aggression. We must never make that mistake again.

Just as American leadership was critical in winning the war against Iraq, so also must we play a leading role in shaping a regional order designed to diminish the likelihood of future conflicts threatening United States interests in the area. We should begin by pursuing a policy of encouraging a fundamental change in the Government of Iraq. It is not enough to urge, as does the administration, the removal of Saddam; we should not be content to see one of his Ba'ath Party lieutenants take the reins of a still repressive regime harboring irredentist dreams of avenging a humiliating defeat.

If the unrest in Basra is any indication, the people of Iraq are sick and tired not only of Saddam but also of the entire police state he constructed. The United States should be supportive of efforts by Iraqis, including the Kurds, to create a democratic Iraq. Arab nations, such as Egypt and Algeria, which themselves have made progress toward democracy and which were active diplomatically in the effort to avert a gulf war, could credibly participate in this effort. Saudi Arabia could play a helpful role by holding out the prospect of reconstruction aid to a friendlier government in Baghdad.

In the meantime, key sanctions against Iraq should be maintained, particularly the arms embargo and the ban against providing Iraq with militarily useful technology and equipment. It is essential, in this regard, that we attach high priority to securing the cooperation of the Soviet Union and our European allies. We cannot re-

vert to business as usual with a Ba'athist Iraq. Eventually, there should be a weapons limitation regime for the region as a whole, but preventing the rearming of Iraq is the most urgent priority.

We should also make it clear to the other repressive Ba'athist state in the area, Syria, that our appreciation for that country's support against Iraq does not diminish our insistence that it stop occupying Lebanese territory and end its support for terrorism.

Recent reports that Syria played a role in preventing terrorist acts during the gulf crisis are encouraging, but Syria must make antiterrorism a permanent policy before normal relations are possible with the United States, and its forces must leave Lebanon. Having stood for the rule of law against Iraq, we cannot afford to demand less of Syria.

This is the approach we should be taking with Syria's Assad instead of treating him as the friend and ally he is not. We should not deal with Assad, as we did with Saddam Hussein, on the basis that the enemy of my enemy is my friend.

Finally, the end to the war with Iraq offers a golden opportunity to advance the cause of Arab-Israeli peace. The gulf conflict should have made it clear to our Arab friends that it is not Israel but the fellow Arab nation that threatens their security, and that only Israel's staunchest ally, the United States, can guarantee their continued security.

It is reasonable, therefore, to expect that the Arab beneficiaries of American defensive help should take steps to eliminate the one cause of regional instability that they have nurtured: The refusal to accept the existence and security of Israel.

Since the end of the 1967 6-day war, American diplomacy has focused on a series of initiatives to persuade Israel to make an accommodation to Palestinian aspirations in the occupied territories. In light of the Palestinians' support for Iraq, that approach is no longer feasible. Only an initiative from Arab governments to make peace with Israel will give the Jewish state the sense of security required to come to terms with the Palestinians. If the professed concern of Saudi Arabia and others for the Palestinians is more than cynical rhetoric, they will take such an initiative, and it should be the object of American diplomacy to encourage it.

These are some of the messages that, I believe, Secretary Baker should be conveying during his forthcoming trip. The proposals I have outlined do not constitute a complete agenda for U.S. policy in the Middle East, but they do represent the most urgent issues that need to be addressed to ensure that we win the peace as well as the war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask unanimous consent that I proceed for not more than 5 minutes as in morning business.

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

JASON YUAN DEPARTURE

Mr. SYMMS. Mr. President, I share the views that my dear friend, Senator HELMS from North Carolina, just expressed on the floor with reference to former Prime Minister Thatcher of Great Britain. She has, as Senator HELMS pointed out, been a true friend of freedom throughout her tenure and leadership of her native land, Great Britain.

Another good friend of freedom, who has been a good friend of America and a good firend of his homeland, will soon be returning to Taipei. Of course, I am referring to Jason Yuan, who will be assuming the post as Director of North American Affairs in the Republic of China's Foreign Ministry.

This is a very important post. Jason Yuan will be responsible for maintaining and strengthening Taiwan's good relations with the United States, and I am confident that he will do an excellent job, judging from his stellar performance as Taiwan's chief congressional liaison on the Hill for the past 11 years. On March 5, 1991, 19 of my Senate colleagues and 36 House Members said goodbye to Jason and his wife Maggie at a farewell reception filled with genuine warmth and affection for the Yuans. My colleagues and I will miss Jason, but we wish him well. We have known him as a friend for many years, and I have always appreciated his wit, his intelligence, his golf skills, and his unfailing good humor.

In fact, I recall that last year, Senator WALLOP, myself, Congressman DAN BURTON, and former Secretary of Interior Tom Kleppe were in Taipei, along with Congressman JOHN PAUL HAMMERSCHMIDT from Arkansas. We were there for the inauguration of President Lee, who is, incidentally, the first native Taiwanese to be elected President of the Republic of China.

That day there was a typhoon in the area and it was raining so hard that I wished we could transfer some of that rain to the Boise Basin or the Snake River Plain or to California, where it is desperately needed because of the current drought.

But Jason insisted on taking us out to his favorite golf course so he could demonstrate his skills of submarine golf. It was raining to the point where you almost needed scuba gear. How well I remember that day; how wet we were and how difficult it was. But Jason somehow had the skill to play golf in that submerged level of atmosphere, and I have to admit that he is quite skilled at it.

I also remember well when he and Maggie, along with Ambassador Ding and his wife, visited my family in Idaho. My brother and his wife hosted a lovely dinner. It was a beautiful evening, with the sunset outlining the Owyhee Mountains, and the Snake River moving lazily in the foreground. As usual, Jason was a live wire at that event.

So I look forward now, Mr. President, to the opportunity in the future to visit Taiwan again, and I know the people of the Republic of China will be well served by Jason in the future. We will miss him here in Washington, but wish him a fond farewell. I hope he comes back to visit us.

JASON YUAN APPOINTED TO KEY POST IN TAIWAN

Mr. SIMPSON. Mr. President, my friend, Mr. Jason C. Yuan, a seasoned diplomat, will soon be returning to his home country—the Republic of China on Taiwan—and will be assuming his new post as Taiwan's Director of North American Affairs in the foreign ministry. This is an important post which directly affects the working relationship between Taiwan and the United States.

Although our Government does not have an "official" relationship with the Republic of China on Taiwan, in recent years there has been a strong ongoing relationship between our two countries. The American people, including Members of Congress, all have a favorable impression of Taiwan. This is directly attributable to personal efforts made by officials such as Jason and his colleagues. Jason, in his role as Director of Congressional Relations for his Government, has been so very patient in explaining to us the differences between the cultures of the East and West, his Government's efforts in reducing its huge trade surplus with the United States and his people's deep affection and regard for the American people. Officials such as Jason are so very instrumental in strengthening the relationship between our countries.

My colleagues and I look forward to continuing our productive association with Jason in the future. Meanwhile, we are confident that the strong relationship we have established with Taiwan's coordination council will be maintained and strengthened in the person of Mr. Larry Yu-Yuan Wang, the new Director of CCNA's Congressional Relations Division. I would like to take this opportunity to wish Jason all of the best in his new position, and to tell him how much I have enjoyed his personal friendship. He is one fine human being. I shall miss him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 597 and S. 600 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RESOLUTION TRUST CORPORATION FUNDING ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, I think we are near the end of this matter. We have been working for some hours, and over the last 2 or 3 days, to clarify one part of the existing law, and so that it is clear, in light of the circumstances that exist at the moment, and I think in discussions with the Treasury Department, the RTC, and the Senators involved here on the floor, we have a clarification dealing with a renegotiation of these savings and loan packages that were done in the past. What has been worked out is acceptable language all around, and it is a clarification of existing authority. It does not expand or contract present law. So it is something that the committee on both sides is prepared to accept.

The Senator from Ohio will shortly comment on that, because this is in response to issues that he had raised, in areas where the Senator from Ohio is given the principal leadership on this issue.

Just to give a sense as to what will follow, once we have had that discussion and that particular technical amendment is accepted, we will then move to the disposition of the Specter amendment, which is pending, and then it would be my hope that we would move immediately to final passage of this bill and be able to accomplish that in fairly swift order.

Having said that, it is very difficult to anticipate the unforeseen, but I know a number of Senators have indicated that they intend to be present for the ceremony for Mrs. Thatcher which is occurring down at the White House shortly, and other Members have other pressing commitments, as they have indicated to me.

And so I do have the language before me, and I think we will be ready to proceed at such time as the Senator from Ohio is ready to raise this issue.

I also, by this means, advise the Senator from Pennsylvania [Mr. SPECTER] that once we have disposed of this matter—which I hope will be quickly—we will be ready then to dispose of his amendment.

Mr. President, I yield the floor.

FINANCIAL ASSISTANCE TO INSTITUTIONS REFORM

Mr. CHAFEE. Mr. President, I would like to inform the ranking member of the Banking Committee that I am interested in offering my bill, the Financial Assistance to Institutions Reform Act, as an amendment to the pending legislation. The recent collapse of Rhode Island's private deposit insurance fund has underlined the fragility of the Nation's nonfederally backed insurance funds. My amendment would help ease the short-term financial strain placed upon States in which such a collapse has occurred.

Mr. GARN. I understand the importance of my distinguished colleague's amendment, and I recognize the heavy financial hardship that the people of Rhode Island have been forced to endure due to insolvency of the State's private insurer. Perhaps the Senate Banking Committee should look into the Rhode Island situation as well as situations in other States similarly affected by the collapse of a private insurer.

The RTC bill, however, is not the appropriate vehicle for an amendment of this nature. This is an emergency bill. The Resolution Trust Corporation needs $30 billion to avoid a shutdown that would have devastating consequences for the Nation's financial institutions and depositors. Every day that this funding is delayed the American taxpayer loses at least $7 million. So while I appreciate Senator CHAFEE'S interest in offering his amendment today, I would have to oppose it at this time.

Mr. CHAFEE. I thank the manager for his interest in my amendment. I think it is a good amendment that should be passed along with the RTC bill. But I understand the manager's effort not to further delay passage of this emergency measure. The FAIR bill has been referred to the Banking Committee for consideration, and I hope that my distinguished colleague from Utah will give this matter his close attention at the appropriate time.

Again, I thank the manager, and I yield the floor.

RTC MOVES OKLAHOMA TO NORTH CENTRAL REGION

Mr. NICKLES. I would like to make some remarks to the distinguished ranking member on the Committee on Banking, Housing, and Urban Affairs. I had intended to offer an amendment requiring the RTC to provide justification for its recent decision to move Oklahoma from the southwest region to the north central region. However, you and the distinguished chairman have made a policy of opposing all amendments and thus far, no amendment has succeeded.

As you know, on January 16, 1991, the Resolution Trust Corporation announced the moving of Oklahoma from the Corporation's southwest region to the north central region. I wrote to the RTC requesting an explanation for this move. On February 25, 1991, the RTC responded that this organizational change was made to "better position the RTC to take on a growing workload. * * *" This was not a satisfactory response. As part of the southwest region, Oklahoma was only one of two States, the other being Texas, serviced by the southwest region office. Now, as part of the north central region, Oklahoma is 1 of 23 States serviced by the newly formed north central region office.

I would ask that the distinguished ranking member assist me in holding the RTC accountable for this action which appears to have little justification.

Mr. GARN. I am aware of the situation and am also concerned with the reorganization of the southwest region and promise to work with the Senator from Oklahoma and the RTC to resolve these concerns.

Mr. NICKLES. I thank my colleague from Utah for his help. As a result of this change in regions, Oklahoma will be lumped with many States that have no similarity to our economy. Thus, it is much less likely that the regional headquarters staff, working hard to oversee their operations in 23 States, will have the opportunity to be sensitive to local market conditions in Oklahoma. Furthermore, while it is yet unclear how the RTC Oversight Board will restructure its regional advisory board, it is extremely unlikely that Oklahoma will have 40 percent of the members of the new board, like we do today in the southwest region.

Mr. GARN. I appreciate the Senator from Oklahoma's concerns and will work with the Senator to ask the RTC to reconsider this regional change.

Mr. NICKLES. I thank the distinguished ranking minority member for his assistance.

Mr. CHAFEE. Mr. President, I would like to make a few remarks regarding the pending legislation, the Resolution Trust Corporation Funding Act.

This bill has one essential purpose: to provide the RTC with an additional $30 billion for working capital purposes. Working capital is the funding that allows the Corporation to acquire assets from failed thrift institutions and to locate purchasers for those assets.

The RTC was created in the summer of 1989 when Congress approved the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA]. Today, nearly 2 years into its mission, the Corporation is in the process of liquidating more than $144 billion in assets.

I have some reservations about approving an additional $30 billion for the RTC. $30 billion is a tremendous amount of money. I would far prefer to channel this supplemental funding to more deserving recipients. The successful Head Start Program, for one, could benefit tremendously from such a large capital infusion.

It is no secret that the RTC has some serious problems that it must address. Both the chairman and the ranking member of the Senate Banking Committee believe that the administration of the RTC must be restructured. The Corporation has been slow in disposing of assets from failed thrift institutions. To make matters worse, a slumping real estate market has depreciated the value of certain properties by millions of dollars.

Despite my reservations, I plan to vote in favor of this legislation. Why? The Federal Government has made a promise to insured depositors that it would back their accounts up to $100,000. If the RTC is denied this supplemental emergency funding the cost of closing down these failed thrift institutions will only rise higher. The chairman of the Banking Committee has told me that each day that the RTC funding is delayed, the taxpayer is billed between $7 and $9 million.

We should not delay passage of this legislation. The sooner this bill is enacted, the sooner the RTC will put the S&L debacle behind us.

Now Mr. President, a number of good amendments have been offered to this legislation. Just yesterday, for example, I attempted to attach my amendment, the Financial Institutions Fraud Prosecution amendment, to the bill. Although my amendment was clearly meritorious and had gained the favor of a number of Senators, I reluctantly withdrew it at the behest of the bill managers who demanded that the Senate approve a clean bill.

Several other amendments have been offered this week that might have made valuable contributions to the operation of the RTC. Nevertheless, I have agreed to join with the bill managers in opposing all amendments to this bill, regardless of the amendments nature.

It seems to me that the Senate's responsibility is to provide the RTC with the resources it needs to complete the job that it set out to do in August 1989. We need to monitor carefully every taxpayer dollar that is distributed to the Corporation to ensure that the funding is used wisely and efficiently. But further delay at this time will only raise the ultimate cost of the S&L bailout.

I look forward to seeing this bill enacted today. I look forward to working with my colleagues on both sides of the aisle to ensure that the RTC is operating in as efficient a manner as possible.

Mr. DOLE. Mr. President, I want to take a few moments to express my support for S. 419, the Resolution Trust Corporation Funding Act of 1991.

Before discussing the substantive merits of this bill, I want to commend the leadership of Secretary of the Treasury Nicholas Brady, who has consistently reminded Congress that delay in passing this bill means more cost to the taxpayer and less protection for the average thrift depositor.

I also want to commend the leadership of my distinguished colleagues, Senators JAKE GARN and DON RIEGLE, who have ably shepherded this bill through the Senate Banking Committee and through the debate here on the floor. Managing this bill has not been one of the plum assignments in the Senate, but both Senators have performed this task with a great sense of responsibility and without complaint.

Mr. President, this bill makes sense for a very simply reason: Additional funding now for the Resolution Trust Corporation—the RTC—means less funding later and, ultimately, a lower total cost for the taxpayer.

It is that simple.

Last October, Congress had the opportunity to provide additional funding for the RTC. This funding was desperately needed, and it was requested by the RTC and the Treasury Department.

But when faced with a tough decision, Congress chose what it often chooses—the easy way out: It dropped back 5 yards and proceeded to punt.

Congress' failure to take action last October has cost the taxpayers somewhere between $250 and $300 million. And it has slowed down the pace of thrift resolutions by almost 100 percent.

Needless to say, the cost of further delays is equally staggering. The Treasury Department, for example, estimates that each day of delay means an additional $8 million on the taxpayer's bill. That is nearly $250 million for each month of further delay, and almost $1 billion if Congress were to fail to take action by the end of June.

So, Mr. President, $30 billion in additional funding may sound like a lot of money. And it is.

But failure to pass this bill, and give the RTC the funds it needs to do its job, a job mandated by Congress, will only exacerabate an already bad situation, and will increase the ultimate cost to the taxpayer.

Last week, I received a letter from Secretary Brady outlining the extraordinary costs associated with delay. I will ask unanimous consent that the full text of Secretary Brady's letter be inserted in the RECORD immediately after my remarks.

Mr. President, before I conclude, I cannot help but challenge two of the myths that some of my more creative colleagues have passed along to the American public during this week's floor debate.

Myth one: The RTC funding bill means throwing money down a "rathole."

Truth: The RTC funding bill is about protecting existing thrift depositors. It is not about giving the RTC carte blanche to spend money on whatever purpose it chooses.

When Congress passed the so-called FIRREA bill in 1989, we provided two types of funding for the RTC: First, working capital; and second, loss funds.

To get working capital, the RTC was given the authority to borrow from the Federal Financing Bank those funds which are necessary to acquire the assets of failed thrifts. The sales of these assets are then used to repay the RTC's debt to the Federal Financing Bank.

Loss funds, on the other hand, are funds appropriated by Congress to make up the difference between the asset value of a failed thrift and its insured deposit accounts. In this way, loss funds are used to protect the insured deposits of a failed institution.

I repeat: Loss funds are used to protect the insured deposits of a failed institution.

The $30 billion authorized by S. 419 is $30 billion in loss funds, not working capital.

So, Mr. President, contrary to what some of my colleagues may believe, this bill is designed to protect depositors. It is not designed to give the RTC more money to spend recklessly on building a real estate empire.

Simply put, we need this bill if the RTC is to continue funding existing deposit insurance guarantees during fiscal year 1991.

It is the interests of depositors that are at stake, not the interests of the RTC.

Myth two: The RTC is dragging its feet in resolving failed institutions.

Truth: On this score, the hard facts tell a completely different story.

From its creation on August 9, 1989, and through December 31, 1990, a period of only 16 months, the RTC has taken over 531 troubled thrifts, resolved 352 of these thrifts, and maintained control over the remaining 179 institutions in its conservatorship program. During this same period, the RTC has sold and collected approximately $128 billion in assets and sold 2,728 single-family affordable housing properties.

Not a bad track record for an organization that 17 months ago did not have a name, a charter, an office, or a single employee.

The RTC has also been a key player in the fight against those former sav-

ings and loan executives and other insiders who have ripped off the American taxpayers to the tune of billions and billions of dollars. During its first 16 months, the RTC has forwarded 1,320 complaints of criminal wrongdoing to the Justice Department from 276 institutions under RTC control. The Justice Department has acted on these referrals, obtaining 403 S&L convictions with cumulative prison sentences of 768 years, and court-ordered fines and restitution totaling more than $236 million.

But, most importantly, Mr. President, the RTC has protected insured deposits of $114 billion in nearly 11 million deposit accounts. These accounts are not held by the Fortune 500, or by people with a fancy Rodeo Drive or Upper East Side address. These accounts are held by the average citizen, the middle-income citizen, the citizens of my home State, the State of Kansas.

Mr. President, the RTC may not be all things to all people. It may have institutional problems that need to be remedied. I don't deny that. And I intend to make every effort to work with the administration in remedying these problems in the days ahead.

But the RTC is not the black hole that some of my colleagues have made it out to be.

Let us face it: It is easy to criticize, to point fingers. And you can bet that it is even easier to forget the incredible blunders that Congress itself made when the S&L problem was simply that, a problem, and not the disaster that it has become today.

Congress dragged its feet in 1986 and 1988, when it was presented with golden opportunities to stop the savings and loan hemorrhaging by recapitalizing FSLIC. And Congress, not the RTC, will be dragging its feet if it fails to approve this bill today.

Mr. President, at this time and under these circumstances, the RTC funding bill makes sense, common sense. And I urge my colleagues to support the bill when it comes time to vote.

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

OVERSIGHT BOARD,
RESOLUTION TRUST CORPORATION,
Washington, DC, February 26, 1991.

Hon. ROBERT J. DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR LEADER: As Chairman of the Oversight Board of the Resolution Trust Corporation (RTC), I am writing to emphasize that unless Congress promptly provides adequate funding to the RTC, the RTC will be forced to further curtail its efforts to close bankrupt savings and loans. Already, the delay in authorizing additional funds has slowed case activity and cost the American taxpayer at least $250 to $300 million.

The Oversight Board has testified that full funding to permit the RTC to complete the thrift clean-up would be preferable to interim funding. However, the $30 billion of loss funds that is provided by the Senate bill will permit the RTC to continue operating through the remainder of the fiscal year.

I am afraid that if any less than $30 billion is provided, the result will be a start and stop cleanup process that produces further delays, substantial additional costs to taxpayers, and confusion and fear in the minds of depositors.

Accordingly, I repeat the Administration's urgent request that the Senate provide adequate funds to the RTC without controversial amendments that would delay the provision of funds and add to taxpayer's costs.

Sincerely,

NICHOLAS F. BRADY.

Mr. METZENBAUM. Mr. President, I am aware of the fact that a number of my colleagues have been anxious to bring this debate to a conclusion, and I, too, would like to see it brought to a conclusion. But for the last several days, we have been in negotiations with the RTC and, more recently, today with the IRS, concerning what kind of amendment could be made and what kind of action could be achieved.

I think most Members of this body are aware of the fact that the Internal Revenue Service did come forward with a ruling that moves us in a major way forward, not as far as we would like to go, but under FIRREA and one of the amendments that we had put in at that time, there was an instruction to have certain studies made as to what could be done. There evolved out of that the fact that the IRS has now come forward with a ruling, which is publicized in today's paper, having to do with the so-called double-dipping aspects of the 1988 deals, which allegedly made it possible for those who have received those deals to get the Government assistance, and at the same time, take tax deductions, which were quite inconsistent. While money was being received, they were getting the advantage of taking tax deductions, which almost was a contradiction in terms. That is allegedly what they felt they were able to do, and some of them still claim they have that right.

We are not talking about $100 or $1,000 or $1 million; we are talking about billions of dollars, and I think the latest estimate is that the Treasury's ruling will rebound to the benefit of the Government to the extent of $2½ billion to $3½ billion. I am frank to say that, under that Government ruling, the Treasury indicated that there was some question as to whether or not their holding would hold up, and that they expected to be challenged.

I had hoped that we could provide additional legislative language which would clarify that fact and reinforce their position. I believe their ruling is 100 percent accurate. I do not have any reservation about that at all. But I thought that if we could pass legislation to reinforce their position while this bill was pending, it would make a lot of sense to do so.

However, we all know the question, and that is the merit of originating legislation having to do with revenue production, which must come from the House, or else the House will not consider it. I have spoken with the very distinguished chairman of the House Ways and Means Committee, Congressman ROSTENKOWSKI, and he is very much aware of the problem. My opinion is that if the Treasury feels they need assistance, they will receive every possible consideration from the chairman of the House Ways and Means Committee, who certainly is one of the very astute members of that body.

Having said that, there are still aspects of the 1988 deals that have concerned this Senator, and concern me much, to the extent that we conducted a hearing having to do with the Blue Bonnet Savings and Loan, an instance in which we felt at the conclusion of the hearing that there was more than enough basis to rescind or force the renegotiation of that deal, but there was very little action taken.

As a matter of fact, as previously stated, we in Congress had given the RTC authority in connection with the renegotiation, restructuring, or rescinding of these 1988 deals, both in the FIRREA act with an amendment of mine, and then with an additional amendment of mine on Senator MIKULSKI's appropriations bill that was passed at the conclusion of the last session. But, notwithstanding that, we were not able to get much action from the RTC, and there were continued studies.

We have had some rather strong meetings with the RTC, and friendly, but both sides stating their position I think in the best possible way. I am now satisfied the RTC will take a more aggressive approach and has indicated a willingness to consider the proposal I made to them some many months ago to turn over the contracts to lawyers on a contingent fee basis if dollars could be saved.

The RTC has pointed out to me some problems with respect to doing that because, as they are restructuring the deal, and those restructures are within the terms of the language of the deals themselves, their concern is where do you start, what is the baseline if you are to have a contigent fee contract. There will be further discussion between the leadership of the RTC and ourselves as we move down the line. But I do believe there is a different attitude at the RTC and I think there is more willingness to cooperate in connection with that matter as well as others.

Then there was a question about their restructuring of the deal. Restructuring really means the contracts provide certain payments may be made by the Federal Government. I think we provided $22 billion to them for the purpose of restructuring at an earlier point. The restructuring would occur within the terms of the contract, not changing the terms, but actually exer-

cising some of the options that the Government has. They now say they are going to be moving forward very promptly with that.

For 18 months there has been very little action. I do not mean to suggest any action or any discussion that has taken place on the floor has had anything to do with their movement in connection with restructuring, because I do believe they were planning and do hope to move forward rather promptly in that effort. I am told that first payments should be made within the next several months and that at least is some progress as far as saving the American taxpayers substantial dollars.

In the amendments we made at the conclusion of the last session, we provided that the RTC was to report to the Congress on a monthly basis what they were doing with respect to restructuring and renegotiating these contracts and do so as pertains to each particular contract.

I am frank to say they did not do that, and that is irrefutable. As a matter of fact, I put up on the board the other day one short paragraph they gave us alluding to their entire response on that subject. They have now assured us they will report on a monthly basis, as they are obligated to do under the amendment to the Mikulski Act, and I am satisfied that at least is moving in the proper direction.

There is another part of this restructuring or renegotiating to which I would like now to address myself. The RTC has felt it has been constrained in the renegotiation or restructuring of these contracts, that they could deal with the specific terms in the contracts but they could not deal beyond those specific terms and renegotiate part of the contract; and, furthermore, they could do nothing, absolutely nothing, with respect to the tax aspects of the contract.

Well, it is no secret the tax aspects involved literally billions of dollars. So we concluded it would be very helpful to the RTC if they had the authority to put on the table in those negotiations the question of the tax benefits, a right they do not have at the moment, or at least they feel they do not have. We discussed this with Mr. Seidman, and he indicated a complete willingness to have that included as a part of their right but was not certain that the IRS would agree.

Well, I am happy to report to my colleagues there have been extensive negotiations that have gone on last night and all day today. At an appropriate time, the Senator from Ohio will offer an amendment which will provide as follows, and I will read only the pertinent language:

The corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between Janaury 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507—

Now we come to the relevant point—

and shall, consistent with achieving the greatest overall financial savings to the Federal Government, pursue all legal means by which the corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate the tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation.

I consider this amendment a major step forward because, when the RTC is in those negotiations—whether or not they are using lawyers on a contingent basis or their own house counsel or outside counsel, whatever the case may be—they can now put on the table the question of the tax benefits, the tax assistance.

I am very pleased the RTC has seen fit to accept that additional responsibility; that the IRS has recognized that in no way does that detract from its responsibilities which are totally separate and apart; and that indeed it can possibly result in savings of millions if not billions of dollars to the Federal Government.

So I will offer that amendment at an appropriate time. It is my understanding the managers of the bill are prepared to accept it.

Let me speak now about a couple of other items.

With respect to the subject of directors' and officers' liability, I think my colleagues know we conducted a hearing severals weeks ago having to do with the Southwest Federal Savings and Loan. The issue there was why the Government had not seen fit to pursue actively their rights against the directors and officers of that organization, particularly in view of the fact there was tremendous collectibility.

The Government is losing about $250 million. The principal owner of that institution is reputed to be one of the world's wealthiest men. He had agreed in writing to indemnify any of the officers and directors who might be held responsible as far as directors' and officers' liability is concerned.

This is the matter in which at our hearing two officials of the Government, two employees of the Government, had indicated they were told not to proceed forward with the investigation but to sit on it.

They had indicated that there was some political involvement, and that they should not be moving forward. As a matter of fact, the Government did not move forward and, as a matter of fact, one of the people who told these employees not to move forward subsequently wound up now in a position of major responsibility with the RTC.

I urge upon the RTC that they really reevaluate that situation, in view of that particular individual's failure to proceed in the Southwest case, and his having told those who were doing the investigating, who wanted to proceed forward, to sit on it and not to move forward.

I am happy to say we received a letter today indicating that actions are indeed being taken with respect to the Southwest Federal Savings and Loan matter, and I am satisfied, on the basis of the information provided in that letter, that if there is any liability on the part of those officers and directors, that within the next couple of months—not nearly as rapidly as I think it should have occurred—but within the next several months, those officers and directors will be brought to justice, whether through the courts or by negotiation.

If there is no responsibility at all, at least that determination will be made. But this Senator has the feeling that there is some justifiable basis for proceeding.

There is another matter with respect to the previous policies of the RTC to which I would like to address myself. There was a memorandum that went out to the Director from one of the legal counsel of the RTC indicating that no officers and directors were to be sued unless there was a net worth of at least $5 million on the part of the officers and directors.

First of all, I do not know how anybody would make that determination. Second, I do not know why they would look for a $5 million figure in order to proceed forward.

As I have said previously on the floor, there are many officers and directors who may have several million of that $5 million—$3.5 million; $4 million—and certainly if there is an opportunity to recover some money for the taxpayers of the country, they ought to be proceeded against if there is some wrongdoing. The fact is, taxpayers who owe the Government just a few hundred dollars find their Government is very aggressive in moving forward against them.

So the RTC has now sent out a new directive clarifying the situation with respect to that matter and indicating that there is no $5 million minimum; that the matter will be evaluated on the basis of whether or not it makes sense to proceed.

Let me comment on one other point. The manager of the bill, the distinguished chairman of the Banking Committee, indicated that the GAO reported that the conduct of the RTC has been quite good. Frankly, I read that report in a somewhat different manner and concluded that it was not nearly that good. In fact, they enunciated many of the inadequacies and failures of the RTC.

Suffice it to say that I think and I hope they are getting their act together. It was not easy to do all of this

in a short period of time. I do feel, with respect to some of the concerns that we have indicated that we have with the RTC's conduct, that we have their assurances and commitment that they will cooperate, and I feel certain we will be getting that kind of cooperation in the future.

AMENDMENT NO. 28

(Purpose: To amend section 21A of the Federal Home Loan Bank Act)

Mr. METZENBAUM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 28.

Mr. METZENBAUM. Madam 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 in the bill, add the following new section:

SEC. . CLARIFICATION OF REVIEW OF PRIOR CASES.

Section 21A of the Federal Home Loan Bank Act is amended by inserting at the end of section 501(b)(11) the following language:

"The Corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between January 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507, and shall, consistent with achieving the greatest overall financial savings to the Federal Government, pursue all legal means by which the Corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation."

The PRESIDING OFFICER. The Senator from Michigan, the manager of the bill.

Mr. RIEGLE. Madam President, let me say first of all I want to compliment the Senator from Ohio for his leadership on this issue, extending back now actually many years.

I might say he and I both had a concern about this, and tried to do something about this at the tail end of 1988. We were not successful at that time.

In any event, I will not extend my remarks now except to say that I consider this a technical clarification of the existing practice as it is now understood to exist within the agencies.

So I find this, from the point of view of our bill here and the committee's jurisdiction, an acceptable restatement of policy in this area that does clarify it. I think it does make it clear. I have no objection on my side.

I yield to my colleague from Utah for his response from the other side.

Mr. GARN. It is acceptable.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I appreciate that both managers are willing to accept the amendment, but I am not willing to have it accepted without making it clear it is much more than a technical amendment, because the substantive issue involved relates to the fact that the RTC told us in unequivocal terms they did not have the authority to negotiate or to deal with the tax questions. This amendment gives them that right.

So I do not often disagree with my friend from Michigan, but I want to say to him I think describing this as technical would be inappropriate. I just make that point.

Mr. RIEGLE. Madam President, I will accept that point. I guess what I want to say is, in discussions with the RTC and the Treasury Department, they accept this language. So, in effect, this is an acknowledgment of this as being a policy that they fully intend to carry out, under the interpretation of the law as it now stands.

So I view it as a clarification in that respect.

Mr. METZENBAUM. I thank the manager of the bill. I am prepared to proceed.

Mr. RIEGLE. I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 28) was agreed to.

Mr. RIEGLE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GARN. Madam President, I do have an amendment that is technical in nature, modifying section 5, incidental powers.

AMENDMENT NO. 29

Mr. GARN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The Senate will now consider the amendment of the Senator from Utah.

The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. GARN] proposes an amendment numbered 29.

Mr. GARN. Madam President, I ask unaminous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Delete section 5 Incidental Powers, and insert in lieu thereof:

"SEC. 5. INCIDENTAL POWERS.

"(a) RESOLUTION TRUST CORPORATION. Section 21A(b)(10)(N) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(N) is amended by adding at the end thereof the following: "The Resolution Trust Corporation may indemnify the directors, officers and employees of the Corporation on such terms as the Corporation deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. For purposes of this section, the terms 'officers' and 'employees' include officers and employees of the Federal Deposit Insurance Corporation or of other agencies who perform services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections."

"(b) OVERSIGHT BOARD.—Section 21A(a)(5)(J) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(5)(J)) shall be amended by adding at the end the following: "The Oversight Board, from funds made available to it by the Corporation, may indemnify the members, officers and employees of the Oversight Board on such terms as the Oversight deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

Mr. RIEGLE. Madam President, we have examined this on our side. This is a technical clarification. It is cleared on our side.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 29) was agreed to.

Mr. GARN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 27, AS MODIFIED

Mr. RIEGLE. Madam President, as I understand it, the next and final order of business is the Specter amendment which has been pending, which of

course is nongermane to this bill but has been discussed at some length beforehand.

That is the final matter awaiting disposition prior to a final passage vote on this issue.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Madam President, I move to table the Specter amendment 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. On the motion to table the amendment——

Mr. GARN. Madam President, we withhold the tabling motion for just a moment.

The PRESIDING OFFICER. Without objection, we will withhold.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

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

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

Mr. KOHL. Madam President, though I have only been in the Senate for a little over 2 years, I feel like I already have a long—even too long—history with RTC funding measures. Last year, I, along with every other Senator, watched with horror as the administration's estimates of the final costs of the bailout went up and up and up. Last fall, I sympathized with the Banking Committee as it tried to pass an emergency funding measure for the RTC—while the administration was unwilling to come to the Hill to testify in support of their funding request. And on the last day of session, I agonized over whether to hold up the midnight legislation that authorized additional funding for the RTC.

At the time, I said in a floor statement: "I sincerely hope that next year we will take our responsibilities for managing the S&L bailout more seriously. I hope we will do enough oversight of the RTC, consider enough legislation reforming FIRREA and our deposit insurance system, and spend our S&L bailout money wisely enough that, next year, we will be able to state our policy on the RTC and the S&L's openly and publicly."

Well, Madam President, we have not done any of this. And we certainly are not in a position to state our policy on the RTC and S&L's openly and publicly. In fact, the only difference between this year's debate and last year's is that this year, we are passing our no-strings-attached funding measure in the morning rather than at midnight. History is repeating itself. Unfortunately, in the case of RTC funding, each repetition is more costly.

The U.S. Government is obligated to provide money to protect depositors in failed S&L's. But the Congress is not obligated to appropriate such funds without question and without the certainty that they are being well spent. Our obligation is to depositors and taxpayers. To depositors, to make their insured savings whole. To taxpayers, to do so in the manner that costs them the least. Providing $30 billion fulfills our obligations to depositors. But providing $30 billion—with no strings attached, with no reforms in RTC required, and with no guarantee that we will revisit this issue until next fiscal year—ignores our obligation to taxpayers.

Senator HARKIN and I offered an amendment that would have been fair to depositors and taxpayers. It would have provided half the funding for the RTC and required this body to return to the issue in 2 months. As distasteful as voting on S&L bailout money is to all of us, if it takes multiple votes to force proper oversight of RTC, then that is what we should have committed to.

Unfortunately, the majority of my colleagues did not agree with that assessment. The Harkin-Kohl amendment was defeated. And because it was, in my opinion, the only responsible course open to us on RTC funding, I will vote against final passage of this funding measure. I cannot support a $30 billion appropriation that comes to us without adequate justification from the administration or scrutiny by the Congress.

I do not want to be on the Senate floor this September making this same speech—the same speech I made last autumn. I am embarrassed to have to beg for administration participation in RTC funding decisions, beg for RTC accountability, beg for any information that would let us assess how well the RTC is doing its job. So, I urge my colleagues to defeat this bill. Let us come back, next week if necessary, and do this appropriation right. Let us not let the scandal and waste of the S&L bailout turn into the scandal and waste of the RTC.

Mr. SANFORD. Madam President, I resent the fact that the Senate Banking Committee had to vote for $30 billion in additional taxpayer funds, with more yet to be required, as another payment for the administration's failure to regulate adequately the savings and loan industry. The savings and loan business failed because it was improperly regulated and wandered away from its traditional function of providing home mortgage lending. Moreover, it was allowed and encouraged by the Federal Government to wander.

Thrifts were caught in an interest rate squeeze, with lots of long-term lending at low interest rates at a time when short-term rates were quite high. In order to get out of this fix, many institutions ventured into risky activities, with which they had little experience, and more importantly, that their regulator had no ability to supervise. Meanwhile, the administration was busy cutting back on funds to hire more supervisors and examiners and generally taking the position that "deregulation" implies "desupervision."

Now, Members of Congress face a difficult choice over whether or not to provide funds for the RTC. The losses in these institutions have already occurred. They began years ago, before I arrived in the Senate, and rightly or wrongly, many years ago, the Government made a commitment to depositors all across the country that their funds, up to $100,000, invested in federally insured thrifts or banks would be insured. Now those insurance bills have come due, and we in Congress must recognize our promise to the American people.

However, we must balance this promise against our likewise serious commitment to see that the RTC responsibly uses the funds we provide to pay depositors. We have an obligation to control how efficiently the RTC manages the property it has. Because of this, I supported several amendments during the course of debate on this bill which I believe would have made positive changes in the operation of the RTC and the entire savings and loan bailout process.

First, I supported Senator HARKIN'S amendment which would have cut RTC funding by $15 billion and included important requests for analysis of reforms to the structure and funding of the RTC. I believe this proposal could have reduced the taxpayers' bill by giving Congress time to develop a better RTC and by forcing the President to propose options to raise revenues in order to limit borrowing to pay for RTC funds.

In addition, I voted for Senator KERREY'S amendment which would have established a better administrative structure for the RTC. Clearly, the current RTC structure has proven unworkable, and this proposal would have made changes to allow the RTC to perform its tasks more quickly and effectively.

I am disappointed that neither of these amendments passed the Senate. I believe they both were thoughtful, intelligent proposals which would have begun the process of reforming the RTC to make it more efficient and accountable to the taxpayers.

However, the Senate did not accept these amendments. And thus, I can not accept providing $30 billion in additional funding to the RTC when I do not feel Congress has met its obligation to the American people to ensure the RTC is using the taxpayers' money responsibly. Before we give away $30

billion, we must find and accept solid proposals aimed at concrete reform.

I have a proposal to turn the RTC into a "vulture" fund. The vultures circling the S&L ship looking for good buys are not necessarily the bad guys. They are making the S&L bailout work—to the slight degree that it is working at all—and it is working only because it is constantly shored up by taxpayers' dollars.

However, the only real vultures out there are those who have enough money to purchase large blocks of properties or entire office buildings, or who happen to want a particular house in a particular location. I think all taxpayers ought to have the opportunity to become the vultures who can buy some of this distressed property. We should not allow only the real estate moguls and corporate raiders to be the only ones who can take advantage of these RTC properties.

There are vulture mutual funds and vulture syndicates working for good deals that will, rightfully, make any profit that is to be made from the S&L debacle. I find no fault with them. I want the Government and the taxpayers to invade their territory. Both the Government and the taxpayers who have borne the brunt of the S&L crisis should have the opportunity to realize any upside potential from real estate gains that may be there over the long haul.

As such, I am proposing that the GAO immediately study the feasibility of setting up such a fund for the sale of RTC assets and that before we take further action this concept, if the study shows it to be viable, be included in any future reforms of the RTC.

Moreover, there is a widespread perception the RTC is not well run and that the structure of the RTC, with an Oversight Board and a separate RTC Board which involve the Secretary of the Treasury, the Secretary of the Department of Housing and Urban Affairs, the Chairman of the Federal Reserve, the head of the FDIC and so on, is simply too cumbersome to result in quick, effective decisions. The structure, because it leaves no one clearly in charge, also provides too little accountability. Changes in the structure are warranted. Thus, we must also take the steps necessary to ensure that we have an efficiently run organization before any additional funds are provided.

In closing, let me just say again that I can not in good conscience vote to hand over another $30 billion until a more rational approach is devised. We must avoid spending more taxpayers' money on an organization that simply is not performing its job, and we must develop a better system of managing and disposing of RTC assets before we vote for any additional funding. Thus, I have no choice but to vote against this legislation.

Mr. GRASSLEY. Madam President, it is with great reluctance that I vote in favor of this bill today. I was opposed to final passage of the Financial Institutions Reform and Recovery Act when it was before the Senate 18 months ago. At that time I felt that the savings and loan cleanup legislation was flawed. Those flaws are still all too evident today as we witness continual delay in the resolution of failed thrifts, and even more delay in the disposition of those assets.

I know that RTC's monumental task requires time and patience. I have heard the excuses that RTC was just created a year and a half ago and its responsibilities have grown exponentially in that time. I know that the management challenge is enormous.

But I also know that, as time goes by, American taxpayers have to dole out more and more money to this mess. I have grave reservations about committing more funds to RTC. It is a bitter irony, therefore, that I vote for this bill. Unfortunately, to oppose it would only further postpone the resolution of this debacle, ultimately increasing the expense to be borne by the taxpayer.

I have supported and will continue to support efforts to reform and amend FIRREA. That is why I supported the amendment by my colleague from Iowa earlier today. Senator HARKIN's amendment would have enabled the RTC to close those thrifts cases now pending and are ready to move. The amendment would also have given Congress and the administration impetus to develop RTC reform measures to improve and accelerate resolution.

Reform of the process is indeed necessary. I have received dozens of letters, as I am sure have most Members, from angry constituents who have fallen victim to the inefficiency of the Resolution Trust Corporation. I would like to read excerpts from a letter I have received which describes experiences with the RTC. I am sure that this constituent's experiences are not unusual.

> There are numerous cases where solvent institutions are thrust into partnership with the RTC through previous participation or joint venture arrangements with now defunct institutions, as is our plight on two properties in Texas. Our participants are now a part of the RTC program. The bureaucracy of the RTC is critically impeding the total recovery and solution of our institution's real estate own problems. * * * The RTC solution to at least these partnership holdings is not satisfactory.

Realistically, I doubt that much-needed reform legislation could be passed and adopted in the next few weeks. As complex and political as FIRREA is, it is highly unlikely that such reform legislation could be approved before the end of the fiscal year, at which time RTC will have to come back to Congress for more funding any way.

As the distinguished Senator from Utah stated in his opening comments last week, the issue here is whether we will meet our obligation to American depositors as quickly and expeditiously, and I add—as cheaply, as the Government can.

The RTC must move forward with getting the savings and loan mess well behind us.

Mr. DODD. Madam President, I will vote in favor of final passage of S. 419, the Resolution Trust Corporation Funding Act of 1991—not because I like voting to spend $30 billion more to clear up the S&L mess, but because it will cost American taxpayers even more money if we fail to adopt this legislation promptly.

I think it is important to understand where this money will go, and where it won't. It will be used to close bankrupt S&L's or to assist in their acquisition by other institutions, whichever method is least costly to the taxpayer. In essence, the money will be used to fulfill the U.S. Government's contract with depositors to insure their deposits up to $100,000.

It will not be used to pay off crooked management or shareholders. The crooked managers are gone and we have provided substantial sums for their prosecution. And the stockholders' equity has been taken to pay off some of the debts of failed S&L's.

In short, we have no choice but to vote for this bill. Not to do so would be to renege on our obligation to depositors—and risk a financial panic that would make the present cost of cleaning up failed S&L's look like nothing.

Moreover, every day we delay adopting this legislation costs the taxpayer $8 million, because the FDIC presently lacks sufficient funds to close down failed S&L's and those institutions are losing money daily. Keeping underwater S&L's open is how we got into this mess in the first place. It would be absurd to repeat the problem in the name of fiscal responsibility.

However, my vote for this bill should not be interpreted as an endorsement of the efforts of the Resolution Trust Corporation to clear up this mess. While its task is truly herculean, I am deeply concerned that the RTC is not moving as efficiently as the public deserves. I believe this is in substantial part because of an unduly bureaucratic structure for decisionmaking.

Unfortunately, because the RTC is presently broke, we cannot afford to delay passage of this bill until we have figured out the best possible way to speed up the RTC's process. However, as a member of the Banking Committee, let me assure you that I will do everything in my power to make sure the banking reform legislation we will move over the next few months will contain RTC reform provisions that will assure taxpayers the most cost ef-

ficient system possible of disposing of failed S&L's.

Mr. BRADLEY. Madam President, this is not the first time the Senate has voted to give the Resolution Trust Corporation a staggering amount of money, and it won't be the last.

In August 1989, we provided the RTC with $50 billion. At the time, I said that while I recognized the serious time constraints that the Banking Committee was under in drafting this legislation, I could not vote for a bill that left so many fundamental questions unanswered: What will the role of S&L's be? How will this new bureaucracy behave and impact the economy? Do regulators have sufficient powers to deal with future problems?

That was almost 2 years ago. In those 2 years, the RTC has grown into the biggest owner and manager of assets in the free world—$144 billion by their estimation. The costs of the bailout have continued to escalate. The $50 billion we originally provided is gone. The $30 billion which we are considering today will be gone in September, and then the RTC will come back for more. The administration says it will be an additional $50 billion; CBO says more like $75 billion. And this does not include the further hundreds of billions of working capital which the RTC thinks will be repaid, but which might end up being covered by the taxpayer as well.

I recognize the need to close institutions that are bleeding capital quickly. However, we cannot let these costs continue to escalate without congressional oversight, without sending the RTC and the administration a message. This burden on the economy and future generations cannot continue its unchecked growth.

I supported amendments to this bill that cut the funding and changed the RTC's organization, revenue sources, and incentives to sell assets. I cannot support a request for $30 billion to continue the mistakes of the last 2 years.

Mr. CONRAD. Madam President, I rise today to indicate that I will vote against the Resolution Trust Corporation [RTC] Funding Act of 1991.

I clearly understand the need for the funding. This legislation will provide the RTC with an additional $30 billion, to allow the RTC to pay off depositors and to continue to resolve financially troubled thrifts. When the Congress passed and the President signed the Financial Institutions Reform, Recovery and Enforcement Act in 1989 [FIRREA], we agreed to honor the commitment that deposits in insolvent savings and loan institutions were guaranteed by the full faith and credit of the Government. We cannot allow blameless depositors to lose their life savings because of the savings and loan disaster.

Despite these concerns, I cannot support an additional $30 billion in funding. As my colleagues know, I was one of only eight Senators to vote against final passage of the original Senate version of FIRREA in the 101st Congress, and I strongly opposed the passage of the conference version by voice vote in August 1989. The bailout bill did not sufficiently minimize the cost to the taxpayer. The compromise which was finally brought before the Senate included part of the original proposal by the administration to fund the bailout through an off-budget agency. This proposal was an attempt to avoid the budgetary process and hide the true costs of the cleanup of the savings and loans. Because such an off-budget agency would not get the benefit of Treasury borrowing, it would drive up the costs to the taxpayer in the form of higher interest costs.

And the costs continue to escalate. The bailout legislation which was passed in the last Congress provided long-term financing of $50 billion for the RTC. It has been apparent for almost a year that this amount was inadequate. The RTC has requested another $30 billion for fiscal year 1991. But even this sum will not be enough. There is a general consensus that the RTC will require another $30 to $50 billion in the next fiscal year.

And these figures do not include the large amounts borrowed for working capital. As of January 31, 1991, the RTC had spent $57 billion for working capital purposes, according to the Senate Banking Committee. This working capital must all be repaid. But, according to Comptroller General Charles Bowsher in recent testimony before the House Banking Committee, "We're not going to really know until we get further down the road how much of that working capital can be repaid." I am profoundly concerned about the additional losses which could be incurred if the RTC is unable to repay all of its working capital debt.

About a year ago I met with some of the most respected leaders of major financial organizations in this country. They told me that this bail out will ultimately cost between $300 and $500 billion. The General Accounting Office has also put the total cost, including interest, at as high as $500 billion. Congress—and the public—should not tolerate ineffective procedures and methods for disposing of assets which are driving up the ultimate price tag of the cleanup.

In my view, the process now in place is blatantly inefficient. The procedures of the RTC are simply not capable of handling such a massive problem and limiting the costs of taxpayers. The performance of the RTC to date only reinforces my view that the bureaucracy and conflicting lines of authority which were created by FIRREA were a mistake from the start.

In my view, the establishment of the RTC within the Treasury Department, as mandated by FIRREA, created a new bureaucracy under Government control which required its own personnel, procedures, lines of authority, and policy guildelines. Without a doubt, the cleanup was delayed—and costs increased—while a large new organization was created. But the problems with RTC did not cease once the massive startup was complete. Problems with the dual structure of the oversight boards have led to policy paralysis, and more delays. Over a year and a half after FIRREA was signed into law by the President, problems continue to surface, and the cost to the Nation's taxpayers continues to escalate. Faced with these enormous costs, we must demand greater accountability on the part of the RTC before we authorize billions of dollars more for the cleanup.

When Comptroller General Bowsher testified before the House Banking Committee in February, he faulted many aspects of RTC's performance to date. I would like to focus on just one issue here—the failure of the RTC to dispose of assets from resolved thrifts.

According to GAO, the RTC still controls more than half of the assets from all resolved thrifts. This is an incredible statistic. Time and again, red tape, policy indecision, and ineffective procedures are slowing down the process. I know first hand that the longer it takes to dispose of assets, the more the asset depreciates. And the problem is even worse when we look at real estate assets. Admittedly, real estate markets are poor. But the RTC was unable to move these assets, even when the market was stronger. GAO found that the RTC did not even begin executing its policies for disposition of real estate assets until August 1990, 1 year after the enactment of FIRREA. This record is simply unacceptable.

I opposed the original legislation to bail out the S&L industry, and since that time I have only grown more sure of that position. I cannot justify providing an additional $30 billion to the RTC in light of its performance to date, and I intend to vote against this measure.

Mr. DASCHLE. Madam President, I would like to express my deep concerns about the action we are being asked to take today—commiting $30 billion more in taxpayer dollars to bailing out savings and loans.

I do not doubt that the Resolution Trust Corporation needs additional funds. And I would not for a moment suggest that the Federal Government should not make good on its guarantee to depositors. But I do feel very uncomfortable approving the expenditure of an additional $30 billion when there are so many concerns about the RTC's operations that have not been addressed.

I will wager that, when the Deposit Insurance Program was established in the 1930's and again when the amount of the guarantee was increased in 1980,

taxpayers had no idea it would turn out like this.

We know that Congress' primary intent in establishing deposit insurance was to prevent runs on banks and savings and loans and to promote stability in the banking industry. But, if you asked any average American taxpayer what he or she thought Congress had in mind, my guess is they would say that Congress intended to assure low- and middle-income Americans that their savings would be safe. After all, it was fear on the part of the American public that their savings were not safe that caused runs on banks in the first place.

That average taxpayer would also say that he or she did not anticipate ever having to pay to bail out banks or savings and loans. Their understanding was that these financial institutions would pay premiums into the insurance fund and thereby finance any necessary bailouts in the first instance.

Today, the Deposit Insurance Program has strayed from the American public's expectations.

Fraudulent savings and loan officials succeeded in looting depositors' dollars, assisted in part by the existence of the guarantee. Savvy brokers were able to take advantage of the guarantee by splitting up large funds into accounts of less than $100,000 each. The existence of the deposit insurance guarantee encouraged regulators to refrain from closing savings and loans that were in poor condition.

Most importantly, the Resolution Trust Corporation, charged with resolving current savings and loan institution failures, has received $68 billion in funds for its cleanup efforts. It has been estimated that, over the next three decades, taxpayers will be responsible for hundreds of billions of dollars in servicing the debt that was issued to raise these funds and in covering the principal on bonds that the RTC is unable to repay.

Much of what has happened in the past is water under the bridge. But as the administration returns time and again to request more and more taxpayer funds for cleaning up this mess, it is incumbent upon us—the Congress—to monitor the cleanup process closely. If taxpayers are going to fund the cleanup, we have a duty to see that they get their money's worth before handing over $1 more.

There are a number of concerns about the cleanup program that have not been adequately addressed.

We are told that each day that we delay in passing this funding request, it will cost taxpayers another $7 to $9 million. But, what about the $144 billion tied up in assets held by the RTC in conservatorship and receivership? There are substantial asset management costs associated with the holding of these assets. Isn't there any chance we could liquidate at least some of these assets to help fund the cleanup and reduce management costs? So far, the RTC's efforts in this regard have been sluggish and ineffective.

What about the efficiency of RTC's operations? While I respect the commitment of RTC officials and employees, there is evidence that decisions are not being made. I refer to the amendment offered by my colleague from Nebraska, Senator KERREY, and his description of actions proposed then withdrawn at the last minute. Should we be filling the purse of an organization which everyone agrees needs to be restructured?

Who is benefiting from the billions upon billions of dollars being funneled to the RTC? We know that among the over $40 billion of deposits that have been covered are substantial amounts of brokered funds, as well as uninsured amounts above the $100,000 guarantee. But how much? Taxpayers have a right to know who's benefiting from the guarantee, particularly since, over the past decade, wealthier individuals have seen their tax burden decrease substantially as a percentage of their income, while lower-income people have faced an effective tax increase. Who's paying what to whom?

I would reiterate that I am not suggesting the Federal Government should not fulfill its deposit insurance promise, or that it should cut back on the guarantee in the future, but we should know to what extent the RTC is covering deposits outside the guarantee and to whom these amounts are being paid.

Finally, what about the deals that were struck between regulators and purchasers of failing thrifts back in 1988. We were led to believe that billions could be saved by restructuring those deals. In the 1989 thrift bailout bill, Congress authorized the RTC to renegotiate those deals. To date, more than 18 months later, not one of those deals has been renegotiated.

Perhaps there are legitimate responses to these concerns. I don't know. But, the answers could be vital to restructuring the cleanup in a fashion that will give taxpayers more bang for the buck. They could also lead to a more equitable means of financing the cleanup effort.

Without addressing these concerns, I cannot in good conscience support the RTC funding request before us today.

Mr. KERREY. Madam President, today we are being asked to authorize the expenditure of an additional $30 billion to pay for the continuing cleanup of the savings and loan industry—specifically, to give this money to the Resolution Trust Corporation [RTC], a Federal agency created in 1989 to manage and dispose of the assets from insolvent savings and loans.

I am voting against this measure because I believe we do not have a mechanism in place that guarantees accountability, openness, and trust in the operation of the RTC. Quite simply, most Americans no longer trust Congress or the administration on this issue, and if we asked them, they do not want us to spend another dollar.

There is good reason to be skeptical of the RTC's record thus far. The RTC has been in operation 18 months and is in trouble as indicated by a number of recent reports, including recent GAO testimony. Here are some examples:

The RTC has been unable to securitize its huge mortgage and junk bond portfolio. This not only prevents the RTC from moving these items off its books, but distorts the market and drives down the value of all similar securities.

The RTC claims it made great strides in resolving 352 institutions under its control between August 1989 and January 1991; but as the dust settles it is apparent what resolution means. The RTC did not sell a single whole institution; rather buyers cherrypicked the deposits and left the assets with the RTC.

The RTC was unable to carry out a planned national auction of commercial properties last November; the auctioneer even contemplated a suit against the RTC.

The RTC has had trouble settling on a consistent course of action for dealing with its inventory of environmentally significant properties.

This is a poor record for an agency that has hired around 5,000 staff members, created a large nationwide network of offices and has already spent more than $50 billion. Angry anecdotal stories of incompetent decisions have been told to every member of Congress. It is clear that the RTC is lacking a strong hands-on leader.

The Washington Post's March 4 editorial accused Congress of posturing because many members have attempted to amend the bill authorizing the new $30 billion. That misses the point. The parade of amendments brought up in the Senate and House are a symptom of the RTC's inability to make policy decisions itself. And their paralysis is the direct consequence of an oversight structure that fails to provide the leadership political support needed for bold action.

Yesterday, I unsuccessfully offered an amendment to restructure the RTC's oversight structure. My proposal would have pared back the RTC's dual oversight structure to one single board of governors. The RTC's two boards represent entirely different perspectives, with one composed of policymakers and the other composed of regulators. The policymakers include three of Washington's busiest people—Treasury Secretary Brady, HUD Secretary Kemp, and Federal Reserve Chairman Greenspan—which leaves oversight more in the hands of staff than board members. The dual structure dilutes accountability and compromises the management of an oper-

ation that currently oversees $140 billion in assets.

I had proposed that we replace this confusing and awkward oversight structure with a single board composed of four public and five non-Government members. Under this proposal the President could have appointed a strong, full-time Chair hired from the private sector who can communicate with the American people, the President, and the Congress in a way that restores confidence.

The American people deserve to have a full-time board that brings together top private sector talent and top public officials to solve one of the most complex problems our country has ever faced. That may be why this kind of change in the oversight structure topped Fortune magazine's list of ways to protect taxpayers' money in the savings and loan bailout, and why the Consumer Federation listed the idea as one of ten key proconsumer proposals.

We need a board that will not be afraid to make tough policy decisions, one that will be insulated from the everyday political pressures that come from the administration and Congress. We need private sector leaders, and particularly a strong chairman, who will begin immediately to make the American people confident that their tax dollars are not being wasted again.

We need a board which is so obviously qualified that Americans will trust their recommendations. Last year, Postmaster General Tony Frank testified before the Senate Banking Committee in support of a proposal of this kind. He offered a telling suggestion as a guide for selecting a Chair of this board: Find someone who does not want the job.

That is exactly what we need. Not someone who will tell us what we want to hear and leave us to discover the bad news later. Not someone who is looking to establish his or her credentials for a lucrative private sector career. But someone who is so good they neither want nor seek one of the most difficult and important things our President could ask a citizen to do.

At this point, I simply cannot go to my constituents and tell them that I feel comfortable with how this additional $30 billion will be used by the RTC. Frankly, it is difficult for me and other Senators to understand exactly what the RTC is doing. It is even difficult to get the administration to come to Congress and give a detailed accounting of how the RTC has used the $50 billion we have already given them—as witnessed by Secretary Brady's refusal to come before Congress—and how they will use the additional $30 billion we are now being asked to give.

Thirty billion dollars is more than we spent last year on education at the Federal level. It is just under what we spent during the entire 1980's on chapter one funding for disadvantaged students. Without a guarantee of greater accountability I simply cannot in good conscience vote for an additional $30 billion at this time.

Mr. KERRY. Madam President, the vote before this body on whether to authorize an additional $30 billion for the savings and loan bailout is not an easy one. As you know I opposed the administration's request last fall for an additional $40 billion. I must again oppose their request.

Last fall I felt that the administration had not adequately explained why they needed the money, how they planned to use the money or where they thought they could find the money. At the time I felt that the Congress should have provided the RTC $10 billion until a specific plan was laid before the Congress.

Last month Secretary Brady and the Oversight Board appeared before the Banking Committee. While they did answer some questions, they also left many questions unanswered. For example, I do not believe that the Oversight Board adequately explained how it arrived at a $30 billion figure. While Secretary Brady's prepared statement made reference to a cash flow model as the means for determining permanent losses, the Secretary did not elaborate on the assumptions on which the model is based. While we know the bailout is going to cost billions, we still don't really know if the $30 billion figure is appropriate. I do not think we should operate on the basis of blind faith that such a large figure is appropriate.

This is my opinion is why there were so many amendments which reduced the amount of money authorized for the bailout. I supported those amendments because I believe that we need more accountability in the process. We need to better understand what kind of a job the RTC is doing before we authorize $30 billion.

I also believe that the Congress must look much more closely than it has heretofore at the issues of equity and fairness concerning the funding of the bailout. These are issues that I raised last summer and which I know are shared by a number of my colleagues. For instance, the question arises why ordinary citizens should foot the bill for a crisis they neither caused nor benefited from. In theory, any losses to depositors should have been covered by the insurance fund which was capitalized by contributions from member institutions. As we now know, that fund was woefully undercapitalized and now the taxpayers are being asked to foot the bill.

It has also been suggested, by myself and others, that it is not altogether fair to have taxpayers in New England paying for a savings and loan crisis that is by and large concentrated in a few states not in the region.

Finally, I think everyone has questions about whether or not this bailout should not be paid now as opposed to later—leaving future generations to foot the bill.

So my hope is that the chairman of this committee will agree to hold hearings on the issue of fairness and equity surrounding the funding of the thrift bailout.

We are 18 months into the FIRREA process, we have spent billions of dollars and I believe we must begin to reevaluate our approach to this bailout.

For these reasons, Madam President, I cannot support the authorization of additional funds for the RTC.

The PRESIDING OFFICER. If the Senator will withhold, the Chair would like to advise the Senate of the parliamentary situation. There is an amendment pending. The yeas and nays have been ordered. The regular order would be to call the roll. Does the Senator wish to offer a unanimous-consent request?

Mr. GRAHAM. Madam President, I appreciate the status of the Senate. I ask unanimous consent to speak for up to 5 minutes to make a statement on final passage of the legislation.

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

Mr. RIEGLE. Will the Senator yield for a moment? Will the Senator indulge me? We have a situation, which we discussed a minute ago, where it is agreeable to put aside the Specter amendment and take that up separately after this bill has been handled. It will require a rollcall vote, and the understanding is that it will be taken up on that basis, immediately following the disposition of this bill.

We have no other amendments pending. We have Senators who have urgent requirements to try to meet that will take them away from the floor. If the Senator from Florida will be kind enough to do so, and I realize this is an imposition on him, if we can go ahead and move to third reading and the vote so that Senators who need to vote and leave can do so, we can continue the discussion. I will remain and others will also so that the remarks which the Senator from Florida wants to make, which I want to hear, can be made and we can still accommodate other Senators. I wonder if that might be possible.

Mr. GRAHAM. Madam President, I will be pleased to defer to the request of the chairman of the committee. The purpose of my requesting 5 minutes is to state the basis upon why I am going to vote no. Since I believe most people's minds have been made up at this point, I doubt that many will be changed by my remarks. I will be pleased, however, to place on the record the basis of my vote at the conclusion of the vote.

Mr. RIEGLE. I thank the Senator from Florida for his courtesy.

Madam President, I urge third reading of the bill.

Mr. SPECTER. Parliamentary inquiry.

UNANIMOUS-CONSENT AGREEMENT

Mr. RIEGLE. Let me amend that. I ask unanimous consent that the Specter amendment be withdrawn and that the yeas and nays be vitiated; that immediately following the disposition of the final passage of S. 419, the Senate then proceed to vote on or in relationship to the Specter resolution without any intervening action or debate and that no amendments to the resolution be in order.

Mr. SPECTER. Reserving the right to object, Madam President, as an addendum to the unanimous-consent request, I ask that my amendment be changed to a resolution, that it be a sense-of-the-Senate resolution.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. RIEGLE. I have no objection.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from Michigan? Is there an objection to the request of the Senator from Florida to have his statement in the RECORD? Observing none, without objection, all of these are agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. RIEGLE. Madam 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. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

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

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

The result was announced—yeas 69, nays, 30, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—69

Bentsen	Cohen	Glenn
Biden	Cranston	Gore
Bingaman	D'Amato	Gorton
Bond	Danforth	Gramm
Boren	Dixon	Grassley
Breaux	Dodd	Hatch
Bryan	Dole	Hatfield
Bumpers	Domenici	Heflin
Burdick	Durenberger	Heinz
Chafee	Ford	Inouye
Coats	Fowler	Jeffords
Cochran	Garn	Johnston
Kassebaum	Mitchell	Roth
Kennedy	Moynihan	Rudman
Levin	Murkowski	Sarbanes
Lieberman	Nickles	Sasser
Lott	Nunn	Seymour
Lugar	Packwood	Simon
Mack	Pell	Simpson
McCain	Pressler	Stevens
McConnell	Reid	Symms
Metzenbaum	Riegle	Wallop
Mikulski	Robb	Warner

NAYS—30

Adams	DeConcini	Lautenberg
Akaka	Exon	Leahy
Baucus	Graham	Pryor
Bradley	Harkin	Rockefeller
Brown	Helms	Sanford
Burns	Hollings	Shelby
Byrd	Kasten	Smith
Conrad	Kerrey	Specter
Craig	Kerry	Wellstone
Daschle	Kohl	Wirth

NOT VOTING—1

Thurmond

The bill (S. 419) as amended, was passed, as follows:

S. 419

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resolution Trust Corporation Funding Act of 1991".

SEC. 2. RESOLUTION TRUST CORPORATION AUTHORIZATION RELATING TO PERMANENT LOSSES.

Section 21A(b) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)) is amended by adding at the end the following:

"(15) ADDITIONAL FUNDING TO COVER LOSSES IN RESOLVING THRIFT INSTITUTIONS.—

"(A) IN GENERAL.—In addition to the sums authorized by paragraph (14), the Secretary of the Treasury shall make available to the Corporation $30,000,000,000 from monies not otherwise appropiated.

"(B) LIMITATION.—No sums appropriated by subparagraph (A) may be obligated after September 30, 1991, except in the case of a resolution transaction with respect to which a bidder has been selected as of such date.".

SEC. 3. REPORTS.

(a) IN GENERAL.—Section 21A(k) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "The" and inserting "Notwithstanding section 9105 of title 31, United States Code, the"; and

(B) by striking everything after "standards" the first place it appears and inserting ". The audited statements shall be transmitted to the Congress by the Oversight Board not later than 180 days after the end of the Corporation's fiscal year to which those statements apply.";

(2) in paragraph (1)(B), by striking ", or by an independent certified public accountant retained to audit the Corporation's financial statement,"; and

(3) by adding at the end the following:

"(8) OPERATING PLANS.—

"(A) IN GENERAL.—Before the beginning of each calendar quarter, the Oversight Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a detailed financial operating plan covering the remaining quarters of the Corporation's fiscal year in which that quarter occurs.

"(B) CONTENTS.—At a minimum, a detailed financial operating plan shall include—

"(i) estimates of the aggregate assets of institutions that are projected to be resolved in each quarter,

"(ii) the estimated aggregate cost of resolutions in each quarter,

"(iii) the estimated aggregate asset sales and principal collections in each quarter, and

"(iv) the Corporation's summary pro forma financial statement at the end of each quarter.

"(9) REPORTS ON SEVERELY TROUBLED INSTITUTIONS.—The Director of the Office of Thrift Supervision shall deliver on a quarterly basis to the Oversight Board a list of savings associations for which the Director has determined grounds exist, or are likely to exist in the current fiscal year of the Corporation and in the next following fiscal year of the Corporation, for the appointment of a conservator or receiver under the Home Owners' Loan Act. The Oversight Board shall report the aggregate number and assets of such savings associations to Congress with 60 days after the end of each calendar quarter."

(b) FIRST REQUIRED PLAN.—The first plan described in section 21A(k)(8) of the Federal Home Loan Bank Act, as amended by subsection (a), is due not later than 10 days after the date of enactment of this Act.

(c) TIMELINESS OF REPORTS.—

(1) IN GENERAL.—At any time when an agency is delinquent is providing information to Congress or any of its committees as required by paragraph (1), (4), (5), (6), (8), or (9) of section 21A(k) of the Federal Home Loan Bank Act or by subsection (b) of this section, the President of the Oversight Board, and the head of any agency responsible for such delinquency shall, within 15 days of such delinquency, in testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives—

(A) explain the causes of such delinquency; and

(B) describe what steps are being taken to correct it and prevent its recurrence.

Testimony shall not be required pursuant to the preceding sentence before either Committee if the Chairman and Ranking Member of such Committee agree that such testimony is not necessary. For purposes of this paragraph, the term "head of an agency" means the Chairman of the Resolution Trust Corporation with respect to reports to be filed by such Corporation, the Director of the Office of Thrift Supervision with respect to reports to be filed by such Office, and the Comptroller General with respect to audits to be conducted by the General Accounting Office.

(2) TRANSITION RULE.—Any information described in paragraph (1) of this subsection that is delinquent on the date of enactment of this Act shall be provided to the approriate committees of Congress not later than 30 days following enactment of this Act. Failure to provide such information as required by this paragraph shall be considered as a delinquency under the provisions of paragraph (1).

(3) ENFORCEMENT.—Any officer, director, or employee of the Oversight Board or agency who is directly responsible for providing a report or information that is more than 15 days delinquent shall not be eligible for any bonus, merit service award, or other similar monetary reward until such delinquency is cured.

SEC. 4. STATUS OF EMPLOYEES.

(a) RESOLUTION TRUST CORPORATION.—Section 21A of the Federal Home Loan Bank Act

(12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

"(q) STATUS OF EMPLOYEES.—

"(1) LIABILITY.—A director, member, officer or employee of the Corporation or of the Oversight Board has no liability under the Securities Act of 1933 with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation.

"(2) DEFINITION.—For purposes of this subsection, the term 'employee of the Corporation or of the Oversight Board' includes—

"(A) any employee of the Office of the Comptroller of the Currency or of the Office of Thrift Supervision who serves as a deputy or assistant to a member of the Board of Directors of the Corporation; and

"(B) any officer or employee of the Federal Deposit Insurance Corporation who performs services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager.

"(3) EFFECT ON OTHER LAW.—This subsection does not affect—

"(A) any other immunities and protections that may be available under applicable law with respect to such transactions, or

"(B) any other right or remedy against the Corporation itself or against the United States under applicable law.".

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended by adding at the end the following new subsection:

"(f) STATUS OF EMPLOYEES.—

"(1) IN GENERAL.—A director, member, officer, or employee of the Corporation has no liability under the Securities Act of 1933 with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation.

"(2) DEFINITION.—For purposes of this subsection, the term 'employee of the Corporation' includes any employee of the Office of the Comptroller of the Currency or of the Office of Thrift Supervision who serves as a deputy or assistant to a member of the Board of Directors of the Corporation in connection with activities of the Corporation.

"(3) EFFECT ON OTHER LAW.—This subsection does not affect—

"(A) any other immunities and protections that may be available to such person under applicable law with respect to such transactions, or

"(B) any other right or remedy against the Corporation itself or against the United States under applicable law.".

SEC. 5. INCIDENTAL POWERS.

(a) RESOLUTION TRUST CORPORATION.—Section 21A(b)(10)(N) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(N)) is amended by adding at the end thereof the following: "The Resolution Trust Corporation may indemnify the directors, officers and employees of the Corporation on such terms as the Corporation deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. For purposes of this section, the terms 'officers' and 'employees' include officers and employees of the Federal Deposit Insurance Corporation or of other agencies who perform services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

(b) OVERSIGHT BOARD.—Section 21A(a)(5)(J) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(5)(J)) shall be amended by adding at the end the following: "The Oversight Board, from funds made available to it by the Corporation, may indemnify the members, officers and employees of the Oversight Board on such terms as the Oversight Board deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

SEC. 6. CLARIFICATION OF REVIEW OF PRIOR CASES.

Section 21A of the Federal Home Loan Bank Act is amended by inserting at the end of section 501(b)(11) the following language: "The Corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between January 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507, and shall, consistent with achieving the greatest overall financial savings to the Federal Government, pursue all legal means by which the Corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation.".

Mr. RIEGLE. Madam President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DOMENICI. I move to lay that motion on the table=.

The motion to lay on the table was agreed to.

Mr. RIEGLE. I want to take a minute to thank all colleagues who participated in the debate, the members of the Banking Committee, for their work, and the staff that has been involved in it. It is a difficult issue, and it is not a happy vote for anyone, but it is an important vote. I appreciate the fact that we have been able to pass this measure requested by the administration and to be in a position to send it over to the House of Representatives.

I want to say, as well, with reference to an amendment that has been set aside, a nongermane amendment by the Senator from Pennsylvania [Mr. SPECTER]—and he may wish to address that in a moment—that issue was set aside with that understanding.

Madam President, I want to make one other comment, and I will move to vitiate the previous order on the Specter amendment. The Senator from Pennsylvania was gracious enough to accede to a request to put his amendment off until a later time for a vote. That time will be determined later. But that was done, both in the first instance, as we started down through that discussion when the majority leader, who was gracious enough to assist in trying to work that out, and then the Senator from Pennsylvania was willing to make that change. In any event, that issue will be taken up at a later time, and I know the Senator from Pennsylvania wants to say something about it.

I will, as a matter of course and procedure, move to vitiate the unanimous-consent request that is presently there, but I will withhold that request if the Senator from Pennsylvania wishes to speak.

Mr. SPECTER. Madam President, so that the record will be clear and people will understand what is happening, there had been considerable discussion with the managers of the bill about their interest in moving to table my amendment, because the managers had resisted any amendment to the bill. I think it is fair to say that both managers expressed their interest in supporting my resolution, which calls for the creation of an international criminal court to try Iraqi war criminals. So we worked out an arrangement where the amendment would be formulated as a freestanding, sense-of-the-Senate resolution.

A previous unanimous-consent agreement calls for a rollcall vote either before final passage of the pending legislation, or after. So the Senate is confronted with the necessity for two votes. The pending Metzenbaum amendment took longer on the debate than had been anticipated before it was accepted.

In order to accommodate the schedule of one of our colleagues, I agreed to defer a vote on the war crimes trial issue until next week. I would have preferred it today.

We then had some concern as to the scheduling next week. The matter was finally resolved that the vote would occur on my freestanding, sense-of-the-Senate resolution on a war crimes trial immediately following the first scheduled vote next week. That is the reason we have proceeded as we have. I regret that it has caused some confusion

among my colleagues who expected to have the vote today.

I ask my distinguished colleague from Michigan that when he vitiates the unanimous-consent request, he articulate it in the form such that this vote would occur immediately following the first record vote next week.

Mr. RIEGLE. I am informed that it would probably be best that we withhold that for the time being. The majority leader, when he makes his unanimous-consent request for next week, will incorporate that in that request at that time, and I think that is probably best. My understanding is, as has been described here, that the Senator was kind enough to forego the vote today and have it take place next week. The majority leader should be the one to incorporate that into the unanimous-consent request.

Mr. SPECTER. I certainly find that acceptable.

Several Senators addressed the Chair.

Mr. RIEGLE. Might I say, before yielding the floor, in the order of things, and without any discourtesy to any Senator seeking recognition, we had a situation where the Senator from Florida was kind enough to forego, at my request, his statement on the bill, stating his opposition to the bill prior to the vote as an accommodation to other Senators, and so I think, by rights, the Senator from Florida ought to be first recognized.

Mr. HEINZ. I have no objection whatsoever. I hope the Chair will turn to the right and recognize the Senator from Florida.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Florida has the floor.

Mr. RIEGLE. If the Senator will yield for a unanimous-consent request, because it is necessary to clear the docket so that the Senator can appropriately speak at this point.

I ask unanimous-consent that the Specter amendment be vitiated pending the reinstituting of it along the lines of our understanding of a moment ago.

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

MORNING BUSINESS

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

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

Mr. GRAHAM. Mr. President, I voted no on the final passage of the legislation to provide for refunding of the Resolution Trust Corporation. I recognize the seriousness of this matter, and I feel that is is appropriate to place on record the rationale for my taking that position.

I am also aware of the allegation that has been made that we are back in mid-1980's with the savings and loan insurance fund.

The statement is made I think with considerable accuracy that one of the contributions to the extent of the savings and loan debacle was the failure of Congress to timely provide a sufficient amount of funds to the savings and loan insurance fund. The consequence of that failure was the insurance fund managers were unable to close down institutions on a timely basis.

Those institutions being allowed to continue to operate constituted a hemorrhaging of the fund and therefore added to the ultimate cost of the resolution of the savings and loan industry.

That is the allegation that will be resurfaced now for those of us who voted "no" today on refunding the Resolution Trust Corporation.

I would like to undertake the argument that those analogies are misplaced.

First, the Resolution Trust Corporation, in March of 1991, is not the Federal savings and loan insurance fund of the mid-1980's. The Federal savings and loan insurance fund, or FSLIC, was broke. It was without resources. It was unable to act.

In contrast, we are dealing with an institution today that has, as of the last reported statistics to the Senate, $143.9 billion of assets. I repeat, $143.9 billion of assets. We have been asked to provide an additional cash infusion of $30 billion to an institution with $143.9 billion.

There is no similarity between the economic circumstances of FSLIC of 6 years ago and the Resolution Trust Corporation of today.

Second, the consequence of continuing to provide additional cash resources to the Resolution Trust Corporation is to create a positive disincentive to the disposition of assets. An institution which does not have to look to the liquidating of its assets in order to secure the funds necessary for its ongoing operations has no incentive to liquidate assets. That is exactly what is happening with the Resolution Trust Corporation.

Mr. President, on July 31, 1990, RTC reported it had in its receivership account—this is the account after institutions have gone through the conservatorship phase in which RTC essentially stands in the place of the previous management of the privately controlled firm, and is running the organization, after it has closed the institution down and has moved the assets it was unable to sell into conservatorship, into receivership—as of July 31, RTC had $40.2 billion in that receivership account.

Five months later, on December 31, 1990, supposedly after a good-faith, vigorous, organized effort to dispose of assets, RTC had in its receivership account $58.1 billion. So it had added $17.9 billion to its accounts over a 5-month period.

I do not consider that to be a sufficiently aggressive effort to dispose of assets. I believe the ability of RTC to continue to look to the Congress to provide cash resources has been a significant retarding influence in terms of its level of urgency to dispose of its assets.

Third, continuing to provide the cash flow of periodic infusions from the Congress will add to the ultimate costs of the resolution of the savings and loan debacle.

Mr. President, when we voted on FIRREA in 1989, I voted "no" on that day as well, and I made a prediction. The statement had been made that the total cost of this bailout would be $50 billion, that we would not be asked to provide taxpayer funds beyond $50 billion, that the rest of this bailout would be financed through borrowings against the assets that would come into the Resolution Trust Corporation.

When I voted "no" I said I thought that $50 billion figure was egregiously too low, was almost an affront to the intelligence of the taxpayers of America, and that we would be back soon providing substantially more funds. We are now up to $80 billion in the loss fund payout.

I will make another prediction today, and I would be pleased to look back a few years from now to see if that holds up as well as that earlier one. My prediction is that one of the largest installments and no doubt the least appreciated installment of the payout of the S&L's will occur when we have to make a final payment to the Federal financing bank representing the difference between the value that will be received from the assets sold by the Resolution Trust Corporation and the amount the RTC has borrowed against those assets.

Theoretically, this plan is supposed to be structured so that the RTC's borrowing against assets will be at fair market recoverable valuations, that is, that there will be no gap between the value received upon sale of these assets and the amount that has been borrowed.

I predict one of the largest installments and one of the least appreciated by the American taxpayer will be the amount we will have to pay at the end of this process in order to close the gap between the value placed on assets and the amount that has been borrowed against those assets.

I suggest one of the fundamental reasons why that gap is going to be so great is that we have tolerated a set of incentives that have allowed RTC—more than allowed—positively encouraged RTC to be laggard in the disposition of those assets and therefore to see those assets dwindle in their ultimate value recovery contribution to-

ward the cost of the savings and loan debacle.

I would only give one statistic. We have sold thus far $5 billion of real estate; $5 billion in terms of the book value carried by RTC. We have realized—the actual cash returned of that $5 billion of sales was $3.9 billion. That is, we have over a 20-percent gap to date on some of the precious and assumedly most of the best preferred real estate RTC offers.

What kind of loss are we going to be sustaining when we deal with the older, more aged, and less desirable real estate held by RTC?

Mr. President, I do not think it is appropriate to make these comments without also assuming the burden of some constructive suggestions of what we ought to do. I would offer this as my list of constructive recommendations.

First, the Congress should receive more timely and more meaningful financial information from the Resolution Trust Corporation. As I indicated, the latest data we are working with is dated December 31, 1990, information which is now some 65 to 70 days out of date. I do not consider that to be timely information for the scale of the decisions we are called upon to make.

Second, much of the information one would want to have in order to make quality judgments is not available. For instance, information was not available to the Senate Banking Committee, nor has it been made available to the General Accounting Office, that indicates the age of the assets held by the Resoluton Trust Corporation.

There is clearly a difference in the projected difference between book value and fair market value for those assets that RTC has held for a considerable period of time as opposed to those it has just taken freshly into inventory.

We do not have that kind of aging information in order to be able to make good judgments as to just what is the quality of the assets RTC is holding.

So first we need to receive more timely and more meaningful financial information. Second, RTC needs to accelerate the disposition of its assets.

I have cited the fact that in the period from the end of July to the end of December that RTC in its receivership account not only did not accelerate disposition but actually added almost $18 billion to its portfolio.

Third, RTC should promptly identify any constraints it has on the disposition of assets and make recommendations for legislative change if such is called for.

We have a situation, Mr. President, in which the Secretary of the Treasury came before the Banking Committee on the 23d of January, and on page 6 of a long report, in his role as chairman of the Oversight Board, rather casually stated: "And, incidentally, Senators, we are not selling any assets." Why? Because they have the legal opinion that said that they, the members of the Oversight Board, members of the RTC, might be subject to personal liability if they sold assets and did not make adequate disclosure. So the response to that was: We will not sell any assets.

In my judgment, an issue as important as that ought to be brought immediately to the attention of the Congress so that if it is within our power, we can deal with it.

In fact, Mr. President, one of the items in the bill that we just voted for, and it pained me for not being able to vote for that item, was to ameliorate the issue of personal liability as it relates to oversight and RTC board members, and therefore, assumedly, restart the disposition process.

Any other constraints need to be brought to us with a sense of immediacy so that we can assure that any roadblocks to effective disposition are removed.

Finally, on a longer-term basis, I believe that we need to rethink the whole financial flow of the Resolution Trust Corporation. Presently, what we are doing is providing general revenue funds, the $30 billion voted today, in the lost fund account for conservatorship. I believe that we ought to reconsider as to whether it would not be more appropriate for us to be providing general revenue funds for filling this hole that is being created between the borrowings by the RTC and their ability to make repayments to the Federal financing bank.

Now, that may sound very esoteric and technical, and I guess it is. But the practical effect of that difference is whether you are going to create a very positive incentive to move these assets.

If the way in which the RTC can secure cash proceeds in order to continue to close institutions is by selling assets as opposed to looking to Congress, as it did today, for general revenue appropriations, I suggest that there will be an entirely different mindset, attitude, culture, and sense of the imperativeness and importance of disposing of these assets, and that that new attitude of urgency will be very beneficial to this process of savings and loan closure and to the ultimate costs to the American taxpayer. That would probably be the most significant step that we in Congress could take to reduce the ultimate burden on the American taxpayer.

So, Mr. President, I make those remarks in order to establish for the record why I voted as I did, and to outline what I think would be a constructive agenda, hopefully an agenda that will have been addressed by the time that we are next called upon to make clearly what will be an unavoidable further contribution of taxpayer funds toward the resolution of the savings and loan debacle.

I thank the Chair.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I yield gladly to the Senator from Pennsylvania.

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

Mr. SPECTER. I thank my distinguished colleague.

INTERNATIONAL MILITARY TRIBUNAL

Mr. SPECTER. Mr. President, I send a resolution to the desk pursuant to the previous unanimous-consent order and ask that it be held at the desk pending further disposition to be determined by the majority leader.

In English, this means this is a document which is a sense-of-the-Senate resolution on the international criminal court for war crimes.

I thank my colleague, Senator HEINZ, and I yield the floor.

The PRESIDING OFFICER. The resolution will be held at the desk.

(The resolution (S. Res. 176) is printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. I thank my colleague, Senator HEINZ, and I yield the floor.

Mr. HEINZ. Mr. President, I commend the Senator from Pennsylvania on his excellent legislative initiative. And I hope that the Senate will take it up, and take it up rapidly and favorably, when we next turn to such matters.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 606 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNITED STATES-MEXICO FREE TRADE AGREEMENT

Mr. HEINZ. Mr. President, I wish to speak on one additional subject today. It has to do with a quite critical, important decision that Congress faces within the next several months. And that is whether to extend the so-called fast-track process for consideration of trade agreements. That process, which expires on June 1, 1991, provides for accelerated congressional action on legislation implementing trade agreements. Most significant to us in this body, no amendments to the implementing bill may be considered once it is introduced, and floor debate is also limited under this fast track process.

While there may be reasons to extend fast track authority, the argument that it is essential to the negotiations, in my judgment, is not one of them. In fact, we did not begin to make progress

with the European Community on agricultural negotiations until the oppportunity for the administration to use fast track authority had, for all practical purposes, expired. And other arguments about the essentiality of fast track are weakened by the fact that all agreements that have benefited from it have passed overwhelmingly. It is my view that, with good management, a good product can pass with normal legislative procedures. It is more work and hard work, but it can be done. What we should all fear is use of the fast track in lieu of good management on behalf of a mediocre product. That serves no one's interest.

Mr. President, I will discuss the fast track and the Uruguay round in greater detail on another occasion. Today I want to make some comments about the other issue directly related to the fast-track debate, the United States-Mexico Free-Trade Agreement.

As we are all aware, the President has notified the Congress of his intention to enter into negotiatons with Mexico, and neither the Ways and Means Committee nor the Finance Committee opposed his intention within the requisite 60-day period. As a result, the talks will go forward. Since they cannot possibly conclude by March 1—no surprise there—an extension of the fast track will also be necessary for this agreement if it is to be covered by that procedure.

The opponents of a United States-Mexico Free-Trade Agreement—and I believe they are many, certainly at this point—have chosen to focus their opposition on the fast track extension, which, were we to grant it, would open a fast track window not only for the Uruguay round, but for any United States-Mexico-Free-Trade Agreement. And, of course, the vote that we will ultimately cast on any fast track legislation gets tremendously more important. It gains in added significance.

Having said that, let me make a few comments about some of the arguments by those who oppose the United States-Mexico Free-Trade Agreement. I want to state for the record that I have not made a final decision on how I am going to vote on this matter, but I do want to indicate my sympathy for the following points and my belief that, if the following points cannot be satisfactorily addressed, it will be difficult—indeed, I think it will be impossible—to obtain congressional support for any fast track extension.

Turning down fast track extension would not only torpedo, of course, any United States-Mexico Free-Trade Agreement, but it would also require the administration to submit any implementing legislation for the Uruguay round to the normal legislative process.

Returning to the United States-Mexico Free-Trade Agreement, the first issue that is of concern is procedural and it is a replay of the same minuet we always see in trade negotiations. Ambassador Hills came recently before the Finance Committee—I might add she has done it elsewhere—to state and argue that, once negotiations are begun, they must be concluded because to torpedo them in midstream, as it were, would cause severe damage to United States-Mexican relations.

Of course, the next step in that dance is that, once the negotiations are completed, whatever agreement is reached must be approved, regardless of its merits, because to reject it would also severely damage United States-Mexican relations. By that logic the only proper way to oppose the agreement is to prevent the talks from ever beginning. Attempting to do that would, I believe, subject one to the argument that to block talks before they even begin and before they have any results that can be evaluated is to put the cart before the horse and to condemn a proposal before there is anything to condemn.

By that logic, therefore, once the administration makes up its mind to have negotiations, there is no point at which it is responsible to stop it. And that, of course, not only makes no sense, it renders the Congress absolutely irrelevant to the consideration of trade agreements and in the making of trade policy, which, in turn, ignores, at a minimum, the commerce clause of the Constitution.

Such an argument also ignores any consideration of the U.S. economic interest, which one would think ought to be a factor in any decision on a free-trade agreement. I know that Senators are too smart to be taken in by this line of argument, but the administration has actually made it on at least one occasion, and they should be smart enough to stop making it.

Turning to the substance of the agreement, three issues have been raised that cause me considerable concern. The first concerns the regulatory environment in Mexico generally and environmental regulation in Mexico in particular. While Mexico's laws are generally regarded as adequate, the informed consensus is that the enforcement of such laws leaves much to be desired. There is great concern here, by environmentalists, that a United States-Mexico Free Trade Agreement will lead to further environmental degradation in Mexico, and, by economists, that it will encourage American companies to relocate in Mexico to take advantage of what might loosely be called a more benign regulatory environment.

It is worth noting that Mexico would be the first developing country ever to enter into a free-trade agreement with a developed country and that the political system in Mexico, as in other developing nations, has been and is a one-party system with a one-party bureaucracy and a one-party judicial system. There are too many reasons to believe that a system with such a monopoly on power tends to serve itself first and other considerations second.

Thus far, the administration has not provided convincing assurances that it is on top of this problem. Ambassador Hills has stated on at least one occasion that environmental issues will not be on the table during the FTA negotiations. Subsequently, there has been some indication that perhaps these matters can be addressed in separate talks.

In that regard I suggest that the venue is less important than the commitment to deal with the problem. The administration can help its cause immeasurably by making that commitment loud and clear and making it now. To date it has failed to do so.

The second substantive issue relates to adjustment and worker retraining. There is no question that there will be victims of a United States-Mexico free-trade agreement in the United States. The huge wage differential between our two countries makes it certain that Mexican exports to the United States of labor-intensive goods will increase at the expense of those industries here. Jobs are going to disappear in the United States as a result of such a free trade agreement. But the people who held those jobs are not going to disappear. They will still be here, wondering what their Government has done to them.

The constructive solution to this problem is a proactive and aggressive adjustment policy that includes expanded retraining programs to assist the victims of our trade policy. As far as I know, the administration has not yet seen fit to make even a statement on this subject. It does, however, have, unfortunately, a record we can review. As Senators know, there are currently in existence trade adjustment assistance programs for both workers and firms impacted by imports. Those programs were significantly scaled back in 1981 as part of the spending reductions of the Reagan administration, and the programs have been little more than a blip in the budget ever since. The program for firms, for example, amounts to less than $11 million for actual assistance.

Unfortunately, despite their budgetary insignificance, the Reagan and Bush administrations have proposed their total elimination in every budget they have submitted. The Congress, to its credit, has resisted those proposals just as strenuously, with the results that thousands of workers and hundreds of firms have been able to acquire new skills and have been able to survive otherwise devastating import competition. But we can draw some conclusions about the administration's commitment to helping the victims of

its trade policy from its regular proposals to eliminate these programs.

Thus, the second commitment we ought to expect from the administration is to expand and improve existing trade adjustment assistance programs and dislocated worker retraining programs as well.

A third substantive problem is whether this agreement will be crafted in such a way as to ensure that it helps Mexico to become a developed country that is more like Italy or France or the United States than a Third World country which is exploited for its cheap labor and lacks regulatory requirements.

If Mexican rules of origin require too low a threshold of Mexican value added, then other developed countries will only set up the bare minimum in the way of a "screwdriver" or assembly plant and will forego the transfer of technology and know-how that will substantially raise both Mexican value-added and the Mexican standard of living. Such a standard should not only be set at an appropriately high level, but it must be rigorously enforced with safeguards available to prejudiced U.S. commercial interests if it is not.

Such a standard, if enforced, is a reassurance to U.S. manufacturers and workers that they will not be forced out of business or required by economic necessity to relocate across the border simply because of cheaper wage for largely manual work and workers. So far, the administration seems to believe that this issue—the standard, the counting rules to be used, the consistency of its application and enforcement by a one-party bureaucracy—is not a problem worth anything but the most superficial and cursory consideration. Persisting in this attitude could be a serious administration miscalculation that might undermine United States-Mexico negotiations very early on.

Mr. President, these are not the only problems with a potential United States-Mexico FTA, but they are the ones that stand out in my mind. For better or worse it appears that the critical early vote on the free trade will be not only soon, but will encompass both the Mexican agreement and the Uruguay round. That vote, of course, will be influenced by Senators' views on the fast track generally, as I discussed initially, and on Senators' views on the Uruguay round, which would also be covered by the same fast track extension. That will make it something of a watershed vote on U.S. trade policy, if only because it will be some 3 years since we last had a major vote on that subject. I will have more to say on that larger subject at another time. Today my purpose is to raise concerns about a United States-Mexico FTA that many Senators share and to express the hope that the administration will move quickly to address them in some meaningful fashion. Otherwise, I fear this agreement, and any request for fast-track authority, is in for very rough weather.

KANSAS SALUTES ITS FALLEN HEROES; FORT RILEY MEMORIAL TO BIG RED ONE SOLDIERS

Mr. DOLE. Mr. President, at Fort Riley, KS, today, hundreds of Kansans gathered at a special memorial service to pay their respects to 18 heroes of Operation Desert Storm—18 valiant troops of the Army's famed 1st Infantry Division who lost their lives in the Persian Gulf war.

Fort Riley has always been a special part of Kansas—and when you talk about Fort Riley, and the Big Red One, you are talking about family.

That is why Kansans pause today to remember their friends and neighbors who have sacrificed so much for their country.

America is proud of the allied victory in the Persian Gulf. But we are even prouder of the courageous men and women who got the job done, who put their lives on the line, who made the ultimate sacrifice.

To our fallen heroes, and to their families, we share your sorrow, and our thoughts and prayers are with you.

Abraham Lincoln put it best at Gettysburg when he said that "when brave men die, it is their deeds, not our words, that should be remembered."

We will remember. We will never forget them:

IN MEMORIAM

Spc. Melford R. Collins, Headquarters and Headquarters Company 5th Battalion, 16th Infantry.

Spc. Kenneth J. Perry, 12th Chemical Company.

Pfc. Robert L. Daugherty, Headquarters and Headquarters Company. 5th Battalion, 16th Infantry.

Spc. Steven Trautman, Company E, 4th Battalion, 1st Aviation.

Pfc. Mark Miller, Headquarters and Headquarters Company, 5th Battalion, 16th Infantry.

Sgt. David Douthit, Headquarters and Headquarters Company, 1st Battalion, 34th Armor.

Sgt. Cheryl L. O'Brien, Service Company, 4th Battalion, 1st Aviation.

WO John K. Morgan, Company D, 4th Battalion, 1st Aviation.

WO George Swartzendruber, Company E, 4th Battalion, 1st Aviation.

1st Lt. Donald P. Tillar, Company D, 4th Battalion, 1st Aviation.

Sgt. Lee Belas, Company D, 4th Battalion, 1st Aviation.

Spc. Gary E. Streeter, Headquarters and Headquarters Company, 4th Battalion, 1st Aviation.

Spc. Jason C. Carr, Company D, 4th Battalion, 1st Aviation.

Ssgt. Jonathan H. Kamm Company D, 4th Battalion, 1st Aviation.

Pfc. Rueben G. Kirk, Battery D, 25th Field Artillery.

Spc. Roy T. Damian, HHC, 121st Signal Battalion.

WO David G. Plasch CO E, 4th Battalion, 1st Aviation Regiment.

Spc. Troy M. Wedwood, CO E. 1st Aviation Battalion.

SALUTE TO THE TENNESSEE GUARD AND RESERVES AND TO THE 101ST AIRBORNE

Mr. SASSER. Mr. President, I rise to pay tribute to the men and women of the great Volunteer State of Tennessee who have served selflessly and courageously to defeat the forces of tyranny in Iraq, the brave Tennesseans who were the thunder and lightning of Desert Storm.

I am proud of their valor, grateful for their devotion, and greatly impressed by their extraordinary performance in battle.

In all, Tennessee sent 64 Guard and Reserve units to the Persian Gulf. Very few States, if any, can match that level of service. Engineers, pilots, surgeons, tradesmen, lawyers, clergymen and law enforcement officials all answered the call.

Service in time of need is the great tradition of the Volunteer State—a tradition that goes back to the War of 1812 when volunteer soldiers from Tennessee, under Gen. Andrew Jackson, fought with distinction and superior valor at the battle of New Orleans.

Now 179 years later, the citizen-soldiers of Tennessee continue to uphold our State's proud legacy.

Mr. President, I would like to submit for the record the full register of Tennessee's Guard and Reserve units serving in the Persian Gulf—each deserves special mention, each is a vital link in the unbroken chain of victory.

And, Mr. President, these brave men and women of the Tennessee Guard and Reserve are not alone in fulfilling the promise of the Volunteer spirit. There are those in our State who have chosen to defend their country every day, whose devotion to the Nation's service never sleeps. I am talking about the soldiers of the 101st Airborne of Fort Campbell in Tennessee and Kentucky.

Without doubt, the Screaming Eagles of the 101st made their cry heard in Iraq, and the flash of talons brought swift victory.

This has been their heritage for 50 years.

When outnumbered by heavy German armor at Bastogne and commanded to surrender, Gen. Anthony McAuliffe gave a one word answer, "Nuts."

The 101st evoked that same unyielding resolve last week. It employed skilled force in the name of justice, decisive action in pursuit of lasting peace.

By all accounts, in the Middle East the 101st Airborne Division launched the largest helicopter assault in miliary history.

A fleet of hundreds of helicopters and an initial surge of 2,000 troops moved

deep into Iraq. The soldiers then secured an Iraqi airfield so transport planes could fly in heavy guns, ammunition, and light tanks. And in keeping with this historic maneuver, women piloted many of the helicopters—the first time in our history they have done so under combat conditions.

General Schwarzkopf described this flanking of Iraq's Republican Guard as a "Hail Mary Pass, a pass that was gracefully completed due to the flawless execution of the 101st.

The goal was to draw out the two toughest divisions of the Republican Guard—the Hamarabi and the Madina—both heavily entrenched in northern Kuwait and southern Iraq.

The assault was nothing short of a master stroke.

The Guard came out of deep hiding, and, once exposed, were open to air attack by Apache helicopters of the 101st and fighter bombers. As the Iraqi's raced northeast to try to escape through Basra, the 101st made a sharp right turn at the Euphrates and took off after them. Reconnaissance planes reported that not a single tank made it to the city.

This was the core of Saddam Hussein's army, the big stick with which he threatened his neighbors and the world. The speed and thunder of the attack turned that stick to sawdust. And once those divisions were crippled, the war was effectively over.

It is a remarkable victory. But then the 101st Airborne Division is a remarkable outfit. Their history is among the proudest and most distinguished of any military unit in the world.

Wherever they have fought, they have revolutionized the strategy and tactics of warfare. They pioneered the use of airborne troops in battle, of strategic gliders in World War II, and of assault helicopters today. As a division, they embody the spirit of innovation, intelligence, and superior skill.

When activated in 1942, Maj. Gen. William C. Lee told the men of the first 101st, "we have a rendezous with destiny * * * we shall habitually go into action when the need is immediate and extreme."

That code has been the standard for service in the Screaming Eagles ever since. For 50 years, the 101st has been at the fore of the most difficult, dangerous, and vital battles our Nation has fought.

On D-day, they braved the heavy flak of German guns to land on Utah Beach and make way for the invasion of Normandy.

At the Battle of the Bulge, they beat back strong German armor and infantry in their historic defense of Bastogne. For that stand, the entire division received the Distinguished Unit Citation, the first time in the history of our Army that a whole division received the award.

And in Vietnam, the 101st performed with honor and courage in that difficult war. They won every battle they fought. They were the last U.S. Army division to leave the combat zone. And soldiers of the 101st received 17 Congressional Medals of Honor for their gallantry in the field.

Ironically and sadly, this division that has known so much victory in war, suffered its biggest loss in the service of peace. Returning for Christmas in 1985 from peacekeeping duties in the Sinai, 248 members of the 101st perished in the air crash in Gander, Newfoundland. In all its battles in World War II, Vietnam, and now Iraq, the 101st has had no comparable single-day loss of life.

And today, the men and women of the 101st have risked their lives for peace in the same troubled land.

I believe their superb performance stands as a tribute to all who have served the cause of justice and peace, past and present, a tribute to those who have made great sacrifices for America and the world, a tribute to the values that we love and defend, a tribute to an America that is as strong as it is free.

This is a proud hour for the Screaming Eagles, for our guardsmen and reservists, for the sons and daughters of Tennessee.

Homecoming is near, our celebration is a celebration of our pride in you, a celebration of what it means to live in freedom. You have given everything so that we may enjoy this day in the light of freedom.

Few Americans are ever asked to make the sacrifices you've made. But as we look toward peace today, I am moved to remember that the citizens and soldiers from the Volunteer State have been asked many times and you have always come through.

For that, we are all deeply grateful.

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

TENNESSEE RESERVE UNITS ACTIVATED DURING DESERT SHIELD

ARMY

5th Special Forces Group of Fort Campbell

ARMY GUARD

Detachment of Headquarters Company, 213 Medical of Symrna
568th Adjutant General Company of Nashville
118th Public Affairs Detachment of Nashville
269th Military Police Company of Dyersburg
181st Field Artillery Battalion of Chattanooga
Headquarters, 196th Field Artillery of Chattanooga
663rd Medical Detachment of Nashville
155th Engineer Company of Waverly
775th Engineer Detachment of Camden
300th Medical Hospital of Smyrna
130th Combat Support Center of Smyrna
176th Combat Support Det. of Johnson City
776th Combat Support Co. of Elizabethton
251st Combat Support Co. of Lewisburg
1175th Quartermaster Co. of Carthage
212th Engineer Co. of Tracy City
1174th Transport Company of Dresden
663rd Medical Det. of Nashville
268th Military Police Co. of Ripley

ARMY RESERVE

188th Judge Advocate General Det. of Memphis
978th Adjutant General Detachment of Oakridge
346th Military Police Detachment of Nashville
498th Military Police Detachment of Nashville
378th Medical Detachment of Memphis
489th Civil Affairs Company of Knoxville
912th Medical Hospital of Johnson City
401st Military Police Company of Nashville
306th Medical Company of Nashville
3397th USA Garrison of Chattanooga
360th Quartermaster Det. of Memphis
382nd Medical Detachment of Nashville
212th Transport Company of Chattanooga
639th Transport Company of Kingsport
332nd Medical Company of Nashville
678th Adjutant General Co. of Nashville
844th Engineer Battalion of Knoxville
912th Medical Hospital of Johnson City
861st Quartermaster Co. of Nashville
418th Quartermaster Det. of Knoxville
324th Quartermaster Det. of Memphis
2369th Signal Det. of Chattanooga
489th Civil Affairs Co. of Knoxville

NAVY RESERVE

MEFREL 109 of Knoxville
FH COMMZ 14 DET B of Chattanooga
PERSMOBTM 1309 of Memphis
FH COMMZ 11 DET P0952A of Nashville
NDMS TM 109 of Memphis
MOBASCONTGRP 0906 of Kingsport
MOBASCONTGRP 0907 of Knoxville
FH 500 COMMZ-11 of Memphis
WPNSTA EARLE 1509 of Nashville
ABFC A3 HQ SPT LG 109 of Nashville
CARGO HDBN 12 DET C 109 of Memphis
NAS Chase Field MED 0179 of Millington
CINCLANT/USCINCLANT 0209 of Millington
FIRSTEURLANT 1379 of Millington
NBR DEN CLINIC 179 of Millington
4 MARDIV 3/24 DET I of Nashville
4 MARDIV 3/24 DET H of Kingsport
4 MARDIV 3/23 DET G of Memphis

AIR GUARD

164th Civil Engineer Squadron of Memphis
134th Air Refueling Group of Knoxville
164th Mobile Aerial Port and Squad of Memphis

MARINE RESERVE

Company D, 4th Combat Engineer Battalion (160) of Knoxville

Mr. DOLE. Mr. President, events in Yugoslavia over the past week are cause for great concern to those of us who wish to see peaceful and democratic change in that country. In addition, these events raise serious questions about the Yugoslav central government's role in the coercion and repression of democratic movements. As time goes on, it increasingly seems that the central government is acting as an accomplice or even, as a perpetrator in repression.

A look at some recent incidents suggests that the hardline Government of the Republic of Serbia is not acting alone, but in coordination with the central government.

Last week, following a trip to several European countries, Dr. Rugova, the leader of the Democratic Alliance of Kosova, returned to Yugoslavia. He landed at the Skopje Airport and was met by friends who were going to drive him to Pristina. On the relative short ride back—Skopje is only about 90 kilometers from Pristina—Dr. Rugova was stopped by Serbian police and badly harassed. But, the intimidation did not stop with harassment—the police threatened to kill him. Earlier this week, I sent a cable to our Ambassador in Belgrade to let him know that I was alarmed about this incident. And, yesterday, United States Embassy officials raised the matter with Yugoslav Government officials noting my concern. United States Embassy staff also indicated that the United States Government is concerned, not only about the harassment of Dr. Rugova, but also about the situation in Kosova.

Indeed, the Rugova incident is of even greater concern if considered in the context of the overall human rights situation in the province of Kosova—a situation which is steadily worsening as Serbian authorities tighten the screws on the 2 million Albanians who live there. The extent of the police state in Kosova is well-documented by the State Department, Helsinki Watch, and other human rights groups, such as the New York City Bar Association's Human Rights Committee.

Who is to blame for the repression in Kosova? Obviously the hardline Serbian Government. But, the blame does not rest solely at President Milosevic's feet. The Yugoslav Government is also to blame. After all, the Yugoslav Government is a signatory of the Helsinki accords. Nevertheless, it not only tolerates, but supports the actions the Serbian Government has taken to crush the Albanian people in Kosova. Clearly, the Yugoslav central government is an accomplice to the crimes of Kosova.

But, Mr. President there is no doubt that the Yugoslav central government, in other parts of Yugoslavia—areas that are further away from the control of the Serbian Government—is more than just an accomplice, it is a perpetrator of attacks against democratic movements.

One example I would like to raise: Last week, Yugoslav President Jovic accused the democratically elected President of Croatia of treason. What would lead to such a serious charge? A letter—written by the Croatian President to President Bush. Apparently, in January, when the non-Communist government of the Republic of Croatia was threatened with a military crackdown, ordered by the central government, the President of Croatia made an appeal to President Bush. He wrote, asking that the United States communicate its support for democracy, as well as its opposition to the use of force against the democratically elected non-Communist Republic governments and its citizens.

Well, the United States did send such a message to the President of Yugoslavia, through our ambassador. And, as a result of such United States pressure and pressure from other European countries, the Yugoslav President and central government backed off.

Unfortunately, the Yugoslav Government is up to its old tricks once again—trying to see how much it can get away with. We are watching closely—we hear the threats being made by the Yugoslav Government, and by the Yugoslav Army and we see federal troops movements and deployments to parts of Croatia and Slovenia.

Mr. President, in my view, recent events show that there is an escalating war against democracy in Yugoslavia—and the hardliners in the Serbian Government and the Yugoslav central government are waging it together.

Mr. President, let us keep the pressure on the Yugoslav Government and on the Serbian Government. The Congress has already made it clear, in its fiscal year 1991 foreign operations appropriations legislation, that we will not do business as usual with either government if the human rights tragedy in Kosova continues. Moreover, we will react decisively if there is a crackdown against any of the non-Communist Republic governments.

HONORING JACK LIETHEN

Mr. KASTEN. Mr. President, at a time when all of us are bursting with pride at the accomplishments of our brave soldiers in the Persian Gulf, we ought to take a moment to thank some of those who served by staying at home.

I have in mind in particular the terrific job that has been done in Wisconsin by the seven National Guard family assistance centers. The men and women at these seven facilities are on hand to help soldiers' families with some of the most trying problems of daily life—legal difficulties, late paychecks, trying to get health benefits.

Most important of all—when a loved one is far away and in danger—these men and women are there to listen. They have fielded nearly 10,000 calls since the war effort began.

I rise today to pay my respect to one person who I am told has been a real star in this whole effort—Col. Jack Liethen. He has made a huge difference in the lives of some of these families—so to him and all his colleagues at the family assistance centers of Wisconsin, I ask my colleagues to join me in sending our heartfelt thanks.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,182d day that Terry Anderson has been held captive in Lebanon.

Last night we heard the President. Today, Mr. President, I commend the wisdom of a most important announcement. He told us: "I have asked Secretary Baker to go to the Middle East to begin the [peace] process. * * * [and] to raise the plight of the hostages held in Lebanon." He says, "We have not forgotten them. We will not forget them." Indeed, Secretary Baker has much work to do. But his mission is clear. We must bring the hostages home.

Today, there is an editorial in the Wall Street Journal on this subject. I ask unanimous consent that it be printed in the RECORD at this time.

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

[From the Wall Street Journal, Mar. 7, 1991]

NEXT, TERRY ANDERSON

In his address to Congress last night, President Bush gave Secretary of State Baker, who heads for the Middle East today, an explicit mission: Raise the issue of the remaining U.S. hostages in Lebanon. Mr. Baker will meet first with Syrian President Hafez Assad, a probationary candidate for membership in the civilized world. Mr. Assad was last seen throwing in with the country that controls the Tomahawks and Stealth airplanes. Now he wants to talk to Mr. Baker about a role in rebuilding a better Middle East. We have a better idea for Mr. Assad: Deliver Terry Anderson to freedom.

Terry Anderson is the Associated Press reporter who was kidnapped in Beirut on March 16, 1985. Terry Anderson, of course, is not alone. Five other Americans also live as hostages in Lebanon (assuming none has been tortured to death like former CIA officer William Buckley), along with Terry Waite and three other Britons, two Germans and an Italian.

The hostages' nominal captors, the Iranian-backed Hezbollah, said in Beirut yesterday it will not "help" in release of the hostages. But Hezbollah does not run Lebanon; Mr. Assad took advantage of the Gulf war to wipe out the last resistance to his military control there. As proprietor of the territory, it is up to him to ensure the safety of U.S. citizens and other foreign nationals. Now is the time for Hafez Assad, the lord of Lebanon, to revisit the kidnappers' cells and clean them out.

In the wake of the Iraq war, even the pretext for holding these hostages has vanished (unless, of course, Mr. Assad plans to use them as a bargaining chip in his discussions with Secretary Baker). In recent years, the hostages' kidnappers argued that they'd be released if the Kuwait government freed 15 Shiite terrorists imprisoned for car bombings there. But those 15 Shiites fled jail when the Iraqis overran Kuwait City.

For years we have been expected to believe that the hostages were pawns in a complex political calculus involving Lebanese Shiites, Iranian mullahs. Palestinians, the Syrians, and various feuding clans. But all that was the status quo in a byzantine world dominated by such nonproductive personalities as Ayatollah Khomeini, Yasser Arafat and Saddam Hussein. Today, Khomeini is dead, Arafat is discredited and Saddam is ruined. A new Middle East order in the Arab world is about to develop, whose primary re-

gional actors are likely to be the Saudis, Hosni Mubarak of Egypt and Turgut Ozal of Turkey.

Beyond them, there is another tier of claimants. Iran and its president, Hashemi Rafsanjani, want to participate in the process. Mr. Assad already thinks he's in the game. And as always there is something called "the Palestinian issue." A case can be made, on various grounds, that all three of these ought to be party in some fashion to the evolving order. But how can any of them be treated as credible partners so long as Terry Anderson and the others languish in southern Lebanon, their presence serving as a monument to terror and political nihilism—the same destructive values that a Western-Arab coalition just fought to defeat?

Even now, the much wept-over Palestinians sit in Lebanon firing Katyusha rockets into Israel. Lebanon's Syrian-backed president, Elias Hrawi, said of the Palestinians this week, "Those we had received with open arms and treated as equals to the Lebanese are the ones spreading trouble in the south. They must realize that the liberation of their homeland cannot be attained by firing Katyushas from our land."

The Assads and Rafsanjanis of the Middle East ought to take those words to heart. This war wasn't fought to see the resumption of politics-by-hostage, to let the Middle East slip back into its familiar neuroses. If indeed there is any prospect now of settling such matters as the tragedies of Lebanon or the Palestinians, men such as Hafez Assad will have to be seen ending the launching of Katyusha rockets, ensuring that serious Palestinian politicians aren't murdered by the PLO and letting Terry Anderson and his colleagues go home. And surely if President Bush's "new world order" means anything at all, it ought to mean that the country that controls the Tomahawks and the Stealth airplanes will not hesitate to use its new influence to ensure the safety of its citizens in the trouble spots of the world.

RESOLUTION TRUST CORPORATION

Mr. BIDEN. Mr. President, in today's vote on funding for the Resolution Trust Corporation [RTC] the Senate faced a difficult dilemma. Everyone wishes it were not necessary to spend more money on savings and loan problems, but failure to do so today would only have cost taxpayers more in the long run and mocked the Government's commitment to protect depositors.

The level of spending required as a result of the crisis in the savings and loan industry is as frustrating to me as it is to the American public. But it must be made clear that the money is committed for a single purpose: To honor the Government's commitment to protect the life savings of insured depositors. We simply cannot go back on this promise. The money does not go to the shareholders of failed institutions or to the savings and loan executives who swindled or mismanaged them.

When the RTC was created, it was instructed to resolve failed savings and loans at the lowest possible cost to the American taxpayers. This mandate cannot be carried out effectively and efficiently if the agency is starved of funds or subject to stop-and-go funding. In his assessment of the RTC's performance, dated February 20, 1991, Charles A. Bowsher, the respected head of the General Accounting Office, testified that slowdowns due to funding constraints "simply add to the eventual cost of resolution by allowing failed institutions to continue operating and incurring losses." According to the RTC, a failure to provide the agency with funds at this point will cost taxpayers $750 to $850 million per quarter. Some experts believe the actual figure could be much higher.

As much as we would like to, Congress and the administration cannot undo the consequences of a decade of criminal mismanagement and regulatory neglect, a decade whose bills have come due. At the least, however, Congress can provide adequate funding now to keep inaction and delay from adding unnecessarily to these costs.

During the debate over S. 419, several of my colleagues registered criticisms of various aspects of the RTC's operations. These criticisms echo points made by Mr. Bowsher in his assessment of the RTC's performance. I am sorely disappointed that the RTC, 18 months into its existence, is still dogged by internal problems. For this reason, I would have opposed funding in excess of the levels provided in S. 419, as the administration had requested. The administration's request for a blank check would have eliminated congressional leverage over the RTC, lessening the chance that reforms will be made. Like any other Federal agency, the RTC must continue to be held accountable to the public and to the Congress.

The Senate Banking Committee plans to hold a hearing in April to evaluate these and other proposals with the intent of drafting legislation to make needed reforms to the operations of the RTC. I was willing to support S. 419 with the expectation that RTC reforms will be forthcoming. It is my hope and intention that the Senate and the Congress will move quickly on the needed reforms so that taxpayers will be protected from unnecessary exposure to further costs associated with savings and loan failures.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathan, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE UNITED STATES AND AUSTRIA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 25

The PRESIDING OFFICER laid before the Senate the message from the President of the United States, together with accompanying papers, which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216; 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Republic of Austria on Social Security, which consists of two separate instruments—a principal agreement and an administrative arrangement. The Agreement was signed at Vienna on July 13, 1990.

The United States-Austria Agreement is similar in objective to the social security agreements already in force with Belgium, Canada, France, Germany, Italy, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreement and provides data on the number of persons affected by the Agreement and the effect on social security financing as required by the same provision of the Social Security Act. I note that the Department of State and the Department of Health and Human Services have recommended the Agreement and related documents to me.

I commend the United States-Austria Social Security Agreement and related documents.

GEORGE BUSH.

THE WHITE HOUSE, *March 7, 1991.*

MESSAGES FROM THE HOUSE

At 9:52 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendments Act of 1990.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 707. An act to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes.

At 11:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1284. An act to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints as members of the Joint Economic Committee the following Members on the part of the House: Mr. HAMILTON, Mr. OBEY, Mr. SCHEUER, Mr. STARK, Mr. SOLARZ, Mr. MFUME, Mr. ARMEY, Mr. WYLIE, Ms. SNOWE, and Mr. FISH.

The message further announced that pursuant to the provisions of 19 U.S.C. 2211, the Speaker has selected the following members of the Committee on Energy and Commerce to be accredited by the President as additional official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements: Mr. DINGELL, Mrs. COLLINS of Illinois, and Mr. LENT.

The message also announced that pursuant to the provisions of section 411(a)(2) of Public Law 101-650, the Speaker appoints the following as members of the National Commission on Judicial Discipline and Removal on the part of the House: Mr. FISH; and from private life: Mr. Robert W. Kastenmeier of Arlington, VA, and Mr. Stephen B. Burbank of Philadelphia, PA.

At 12:24 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 bill, in which it requests the concurrence of the Senate:

H.R. 991. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 707. An act to amend the Commodity Exchange Act to improve the regulation of futures and options traded under rules and regulations of the Commodity Futures Trading Commission; to establish registration standards for all exchange floor traders; to restrict practices which may lead to the abuse of outside customers of the marketplace; to reinforce development of exchange audit trails to better enable the detection and prevention of such practices; to establish higher standards for service on governing boards and disciplinary committees of self-regulatory organizations; to enhance the international regulation of futures trading; to regularize the process of authorizing appropriations for the Commodity Futures Trading Commission; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 153. An act to amend title 38, United States Code, to make miscellaneous administrative and technical improvements in the operation of the United States Court of Veterans Appeals, and for other purposes; to the Committee on Veterans' Affairs.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 7, 1991, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council on approving the Schedule of Heights Amendment Act of 1990.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-681. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for recovery of costs associated with furnishing tobacco statistics or estimates and other marketing information to tobacco growers; to the Committee on Agriculture, Nutrition, and Forestry.

EC-682. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a report on two violations of regulations involving an overobligation of appropriations; to the Committee on Appropriations.

EC-683. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on violations of regulations involving an overobligation of appropriations; to the Committee on Appropriations.

EC-684. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's second special impoundment message for fiscal year 1991; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations.

EC-685. A communication from the Chairman of the Board and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-686. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, notice of a delay in the submission of recommendations for National Defense Stockpile requirements and plans for implementing those recommendations; to the Committee on Armed Services.

EC-687. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the consolidation of the Military Departments' fiscal year 1990 unit exchange of training and related support between the United States and foreign countries; to the Committee on Armed Services.

EC-688. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the Defense Manpower Requirements Report for Fiscal Year 1992; to the Committee on Armed Services.

EC-689. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers, and Logistics), transmitting, pursuant to law, a report on a study with respect to converting the Weather Support Service function at Selfridge Air National Guard Base, MI, to performance under contract; to the Committee on Armed Services.

EC-690. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers, and Logistics), transmitting, pursuant to law, a report on the study with respect to converting the Weather Support Service function at Dobbins Air Force Base, GA, to performance under contract; to the Committee on Armed Services.

EC-691. A communication from the Associate Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on the study with respect to converting the Weather Support Service function at Buckley Air National Guard Base, CO, to performance under contract; to the Committee on Armed Services.

EC-692. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a multiyear defense program entitled "Future Years Defense Program" and associated annexes; to the Committee on Armed Services.

EC-693. A communication from the Assistant Secretary of the Air Force (Acquisition), transmitting, pursuant to law, notice of the cost comparison study of the base operating support function at Avon Park Bomb and Gunnery Range, FL; to the Committee on Armed Services.

EC-694. A communication from the Comptroller of the Currency for the Administrator of National Banks, transmitting, pursuant to law, the annual report on Enforcement Ac-

tions; to the Committee on Banking, Housing, and Urban Affairs.

EC-695. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a statement on the transaction involving a working capital guarantee to support United States exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-696. A communication from the Administrator of the Federal Aviation Administration of the U.S. Department of Transportation, transmitting pursuant to law, the new aviation system capital investment plan; to the Committee on Commerce, Science, and Transportation.

EC-697. A communication from the Secretary of Transportation, transmitting, pursuant to law, the National Plan of Integrated Airport Systems, 1990-99; to the Committee on Commerce, Science, and Transportation.

EC-698. A communication from the Secretary of Energy, transmitting, pursuant to law, the Ninth Annual Revision of the Comprehensive Program Management Plan of the Federal Ocean Thermal Energy Conversion Program; to the Committee on Energy and Natural Resources.

EC-699. A communication from the Assistant Secretary of Land and Minerals Management of the U.S. Department of Interior, transmitting, pursuant to law, a notice of leasing systems for the Central Gulf of Mexico scheduled for March 1991; to the Committee on Energy and Natural Resources.

EC-700. A communication from the Secretary of Energy, transmitting, pursuant to law, a copy of the Clean Coal Technology Demonstration Program: Program Update 1990; to the Committee on Energy and Natural Resources.

EC-701. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-702. A communication from the Deputy Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-703. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-704. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-705. A communication from the Deputy Associate Director for Collection and Disbursement of the U.S. Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-706. A communication from the Secretary of Agriculture, transmitting, pursuant to law, revisions to the test of the Alaska Pulp Corporation long-term timber sale contract; to the Committee on Energy and Natural Resources.

EC-707. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the 1991-95 revisions to the Environmental Protection Agency's Long Range Research Agenda; to the Committee on Environment and Public Works.

EC-708. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report on progress in conducting environmental remedial action at federally owned facilities; to the Committee on Environment and Public Works.

EC-709. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the number of children in foster care pursuant to voluntary placement agreements; to the Committee on Finance.

EC-710. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to provide incentives for research and energy production, and for other purposes; to the Committee on Finance.

EC-711. A communication from the Director of the U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for the U.S. Information Agency, and for other purposes; to the Committee on Foreign Relations.

EC-712. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the twenty-second 90-day report on the investigation into the death of Enrique Camerena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico; to the Committee on Foreign Relations.

EC-713. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to February 28, 1991; to the Committee on Foreign Relations.

EC-714. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-715. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report describing the number of appeals submitted to the Board, the number processed to completion, and the number not completed by the announced date for fiscal year 1990; to the Committee on Governmental Affairs.

EC-716. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the audited financial statements of the Commission for fiscal year 1990; to the Committee on Governmental Affairs.

EC-717. A communication from the Comptroller General of the United States, transmitting, puruant to law, a list of reports issued by the General Accounting Office during January 1991; to the Committee on Governmental Affairs.

EC-718. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-345 adopted by the Council on February 5, 1991; to the Committee on Governmental Affairs.

EC-719. A communication from the Acting Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-720. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, purusant to law, the annual report of the Authority under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-721. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-722. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-723. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

EC-724. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report on statutory maximum penalties; to the Committee on the Judiciary.

EC-725. A communication from the President of the Oversight Board, Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-726. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-727. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Service under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-728. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act of calendar year 1990; to the Committee on the Judiciary.

EC-729. A communication from the Vice President and general counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-730. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-731. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed

areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; to the Committee on Finance.

EC-732. A communication from the Freedom of Information Officer of the Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-733. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-734. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-735. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-736. A communication from the Chairman of the Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-737. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-738. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report of the National Archives and Records Administration under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-739. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-740. A communication from the Attorney General of the United States, transmitting, pursuant to law, a notice of proposed rulemaking to implement title III of the Americans With Disabilities Act; to the Committee on Labor and Human Resources.

EC-741. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend title XX of the Public Health Service Act to authorize appropriations for the adolescent family life program; to the Committee on Labor and Human Resources.

EC-742. A communication from the Acting Secretary of Education, transmitting, pursuant to law, a report on colleges and universities that enroll a significant number of Black American, Hispanic, Native American, Asian American, or Native Hawaiian students that have requested and received a waiver of the low average educational and general expenditures criterion in order to be designated as eligible to receive grants under the Strengthening Institutions and Endowment Challenge Grant programs; to the Committee on Labor and Human Resources.

EC-743. A communication from the Chairman of the National Commission for Employment Policy, transmitting, pursuant to law, a report entitled "Employer Strategies for a Changing Labor Force: A Primer on Innovative Programs and Policies"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 213. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys & Girls of America.

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 594. An original 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.

S. 595. An original bill to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By M. BIDEN, from the Committee on the Judiciary:

James Edward Denny, of Maryland, to be an Assistant Commissioner of Patents and Trademarks;

Maurice Owens Ellsworth, of Idaho, to be U.S. Attorney for the District of Idaho for the term of 4 years;

E. Montgomery Tucker, of Virginia, to be U.S. Attorney for the Western District of Virginia, for the term of 4 years; and

Ronald G. Woods, of Texas, to be U.S. Attorney for the Southern District of Texas for the term of 4 years.

By Mr. PELL, from the Committee on Foreign Relations:

William A. Geoghegan, of Maryland, to be a member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 1992;

Kenneth Y. Tomlinson, of New York, to be a member of the Board for International Broadcasting for a term expiring April 28, 1993;

Jon David Glassman, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador of Extraordinary and Plenipotentiary of the United States to the Republic of Paraguay.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Jon David Glassman.

Post: Ambassador to Paraguay.

Contributions and amount:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, Amanda Glassman and James Decherd, none.

4. Parents, names, Jack Glassman and Dorothy Glassman, none.

5. Grandparents names, deceased.

6. Brothers and spouses names, Alan Glassman and Genevieve Glassman, none.

7. Sisters and spouses names, none.

(The above nominations were reported with the recommendation that it be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of January 4 and 23, 1991, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

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. JEFFORDS:

S. 585. A bill to provide eligible students with a comprehensive program of incentives and support to enable students to remain in school; to the Committee on Labor and Human Resources.

By Mr. BRADLEY (by request):

S. 586. A bill to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES:

S. 587. A bill to amend chapter 19 of title 38, United States Code, to provide an additional amount of Servicemen's Group Life Insurance for death in combat, to direct the Secretary of Veterans Affairs to pay a death gratutity to certain survivors of members of the uniformed services who die in the Persian Gulf combat zone, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MITCHELL (for himself, Mr. DURENBERGER, and Mr. DOLE):

S. 588. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations; to the Committee on Finance.

By Mr. BREAUX:

S. 589. A bill to amend Public Law 93-371 to eliminate the requirement that a mobile office of a Senator have an inscription identifying the mobile office as the office of a United States Senator for security purposes; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 590. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act; to the Committee on Labor and Human Resources.

By Mr. BRYAN (for himself, Mr. DANFORTH, Mr. GORTON, and Mr. ADAMS):

S. 591. A bill to require airbags for certain newly manufactured vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. THURMOND and Mr. HOLLINGS):

S. 592. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. AKAKA, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, Mr. METZENBAUM, Mr. PELL and Mr. WIRTH):

S. 593. A bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PELL from the Committee on Foreign Relations:

S. 594. An original bill to provide supplemental authorization of appropriations for fiscal year 1991 for the Department of State for certain emergency costs associted with the Persian Gulf conflict; placed on the calendar.

S. 595. An original bill to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. MITCHELL (for himself, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BURDICK, Mr. REID, Mr. HARKIN, Mr. PELL, Mr. LEVIN, Mr. SARBANES, Mr. LIEBERMAN, Mr. SPECTER, Mr. DECONCINI, Mr. BRYAN, Mr. ADAMS, Mr. BUMPERS, Mr. COHEN, Ms. MIKULSKI, Mr. WIRTH, Mr. WELLSTONE, Mr. GRAHAM, Mr. AKAKA, Mr. METZENBAUM, Mr. KERRY, and Mr. SANFORD):

S. 596. A bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. DASCHLE, Mr. AKAKA, Mr. DECONCINI, and Mr. WELLSTONE):

S. 597. A bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are abusers and children of substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LOTT:

S. 598. A bill for the relief of Richard K. Hall; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 599. A bill for the relief of Maria Elena Rodriguez-Huitzil and Maria Leticia Rodriguez-Huitzil; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. DODD, and Mr. KENNEDY):

S. 600. A bill to amend the Fair Labor Standards Act of 1938 to improve enforcement of the child labor provisions of such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ADAMS (for himself, Mr. HARKIN, Mr. KERRY, Mr. KENNEDY, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CRANSTON, and Mr. SIMON):

S. 601. A bill to withhold United States military assistance for El Salvador, subject to certain conditions; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. LEAHY, Mr. SIMON, Mr. FOWLER, Mr. WIRTH, Mr. SANFORD, Mr. DODD, Mr. CONRAD, Mr. KERREY, and Mr. HARKIN):

S. 602. A bill to improve the food stamp and nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GLENN (for himself, Mr. D'AMATO, Mr. DIXON, Mr. INOUYE, Mr. BURNS, Mr. BUMPERS, Mr. PRYOR, Mr. LOTT, Mr. BOREN, Mr. GRASSLEY, Mr. HATCH, Mr. KASTEN, Mr. BOND, Mr. WALLOP, Mr. AKAKA, Mr. DASCHLE, Mr. NICKLES, Mr. COATS, and Mr. SIMON):

S. 603. A bill to require the Administrator of General Services to establish procurement criteria for plastic products containing recycled material; to establish an interagency task force on plastic container coding to coordinate the expertise, responsibilities, and initiatives of Federal agencies to facilitate use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, to require coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling containers, and for other purposes; to the Committee on Governmental Affairs.

By Ms. MIKULSKI (for herself, and Mr. SARBANES):

S. 604. A bill to provide for a graduated interim geographic pay adjustment for Federal employees based on relative proximity to metropolitan statistical areas, to provide for an adjustment in rates of basic pay for Federal employees within the District of Columbia and Baltimore, Maryland consolidated metropolitan statistical areas, and for other purposes; to the Committee on Governmental Affairs.

S. 605. A bill to provide for the payment of a special pay differential to a Federal employee serving on active duty as a member of a reserve component of the Armed Forces during the Persian Gulf Conflict to compensate for any decrease in pay experienced during the period of that military service; to the Committee on Governmental Affairs.

By Mr. HEINZ:

S. 606. A bill to amend the Wild and Scenic Rivers Act by designating certain segments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mr. MOYNIHAN, Mr. HEINZ, Mr. BRADLEY, and Mr. SEYMOUR):

S. 607. A bill to require a modification of the criteria applicable to the selection of military installations for closure and realignment under the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

By Mr. CRANSTON:

S. 608. A bill to reorganize the agencies of the United States involved in migration affairs into a new Agency for Migration Affairs; to the Committee on Governmental Affairs.

S. 609. A bill to provide an 8 percent pay increase for General Schedule employees within the San Diego, California Metropolitan Statistical Area; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. SYMMS, and Mr. DANFORTH) (by request):

S. 610. A bill to authorize funds for construction of highways, for highway safety programs, for mass transportation programs, and for other purposes; to the Committee on Finance.

By Mr. BROWN:

S.J. Res. 87. Joint resolution relative to the liberation of Kuwait; to the Committee on Foreign Relations.

By Mr. SIMON (for himself, Mr. ADAMS, Mr. AKAKA, Mr. CONRAD, Mr. DODD, Mr. GRAHAM, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PELL, Mr. SARBANES, Mr. KOHL, Mr. SANFORD, Mr. DIXON, Mr. INOUYE, Mr. CRANSTON, Mr. BRADLEY, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DECONCINI, Mr. DOLE, Mr. DURENBERGER, Mr. JEFFORDS, Mr. MACK, Mr. SPECTER, Mr. HATCH, Mr. DOMENICI, and Mr. MURKOWSKI):

S.J. Res. 88. A joint resolution to designate the week of October 7, 1991, through October 13, 1991, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

By Mr. DECONCINI:

S.J. Res. 89. Joint resolution expanding United States support for the Baltic States; to the Committee on Foreign Relations.

By Mr. CRANSTON:

S.J. Res. 90. Joint resolution to establish a national policy for the taking of predatory or scavenging mammals and birds on public lands, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. DOLE, and Mr. SIMPSON):

S. Res. 75. A resolution commending and thanking former Prime Minister Thatcher; considered and agreed to.

By Mr. SPECTER (for himself and Mr. PACKWOOD):

S. Res. 76. Resolution to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of crimes against peace, war crimes, and crimes against humanity as defined under international law; ordered held at the desk.

By Mr. MACK (for himself, Mr. ROBB, Mr. D'AMATO, and Mr. LAUTENBERG):

S. Con. Res. 16. Concurrent resolution urging Arab states to recognize, and end the state of belligerency with, Israel; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS:

S. 585. A bill to provide eligible students with a comprehensive program of incentives and support to enable students to remain in school; to the Committee on Labor and Human Resources.

EARLY INTERVENTION INCENTIVES

Mr. JEFFORDS. Mr. President, I rise to talk about a subject that is related to the productivity of the country and some of the problems that we are having in ensuring as we go to the future

we will be able to meet the needs of our skilled work force. Mr. President, if this country hopes to remain competitive and to curb the tide of discouraged youth, dropouts, and unskilled labor, it had better invest now time, interest, and money in its next generation.

Today, I introduce legislation to encourage comprehensive early intervention programs, a bill to provide disadvantaged students with the opportunities and support they need to stay in school and further their education.

It's clear that this Nation is at a unique junction in time. While events in the Persian Gulf have consumed us all, we must remember that the war being waged in the Middle East is not our only struggle. Here at home, of course, the war of the haves and the have-nots continues.

Education is one of the best means to bridge the gap. Education can open doors to the future through training and skills aquisition. Trained employees learn, grow, and perform on the job bringing quality products to the marketplace, spurring economic growth, improving productivity, and providing self-sufficiency for themselves and their families.

Employers are ready and anxious to hire those who can acquire the education and skills needed. Yet, skills shortages occur and large numbers of people are at risk of economic disadvantage because they lack the combination of education and skills needed to work in today's technological environment.

According to GAO in 1988, 45 percent of young white students had completed a year of college, while only 33 percent of blacks in the same age group had done so. About 25 percent of young whites had completed 4 years of college, but only 13 percent of blacks in the same age group had done so.

Differences by income are also dramatic: Students from families with low incomes were 20 to 25 percent less likely than their wealthier classmates to attend college. Thus, as GAO concluded, to some people higher education seems far out of reach. They also may lack role models knowing few who went that far in school; they may be poorly prepared academically; and they may be uncertain about how to finance higher education.

With current statistics pointing to the abysmal state of the American work force and of America's competitive edge, education must play a dominant role. To date, however, few education programs exist which specifically focus on providing comprehensive support for students from elementary school to the beginning of postsecondary education.

And yet, it is clear that such programs can work. At risk students who do receive some form of counseling and support intervention are markedly less likely to drop out of school than those who do not.

My bill will encourage such programs. Through a system of Federal, State, and local partnerships, disadvantaged students will be targeted beginning as early as kindergarten and provided with comprehensive support until they graduate from high school. Eligible providers would include schools, community-based organizations, institutions of higher learning, and TRIO service providers.

Let me outline for you in a little more detail how this legislation works. Economically disadvantaged students would be eligible to receive services through the early intervention program. States will be given the flexibility to establish the type of program that best suits their needs.

Early intervention programs are designed to provide students with mentoring, with before and after school tutoring, with summer job training, and with financial and academic counseling. Many students are without role models, parents, or acquaintances who have continued beyond high school to postsecondary education. This program will provide the support that should have come through those sources and the promise that financial assistance is also available.

Participants in the program must sign a contract and agree to achieve certain academic milestones. They must, for instance, finish a proscribed set of courses, must demonstrate satisfactory academic achievement, and must graduate from high school.

In return for this commitment, students will be provided with significant financial assistance upon entering college. States are encouraged to establish a trust fund, with contributions from State, Federal, and private money, to help pay tuitions.

My bill authorizes $85 million for the program, but mandates that State and private contributions make up at least 50 percent of the costs. Early intervention is successful only when all parties—from the Federal Government to the State and local government as well as private individuals and institutions—commit time, energy, and financial assistance.

To sum up, my bill provides a program of comprehensive support. A program where children are targeted, at an early age, for hope, advice, support, and counseling.

Each of those components is imperative to the well-being of a child. Early intervention programs continue through the elementary and secondary school what Head Start begins. And they promise not to forget that child after secondary school ends.

For the good of our children, the America of tomorrow, I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 585

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

SECTION 1. EARLY INTERVENTION PROGRAM.

Subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.) is amended by adding at the end thereof the following new section:

"SEC. 415F. EARLY INTERVENTION PROGRAM.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—The Congress finds that at-risk students who do not receive some form of intervention early in their educational careers (in most cases by junior high school) are more likely to drop out of school and not pursue gainful educational or employment opportunities as adults.

"(2) STATEMENT OF PURPOSE.—It is the purpose of this section to make incentive grants to States to enable States to conduct early intervention programs that—

"(A) raise the awareness of eligible students about the advantages of obtaining a post-secondary education; and

"(B) provide eligible students with tuition assistance.

"(b) EARLY INTERVENTION PROGRAM ESTABLISHED.—

"(1) PROGRAM ESTABLISHED.—From amounts appropriated pursuant to the authority of subsection (g), the Secretary shall make allotments to States in accordance with paragraph (2) to pay the Federal share of the costs of the activities described in subsection (d).

"(2) ALLOTMENT.—Except as provided in paragraph 3, for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sums as the number of eligible students in such State bears to the total number of eligible students in all the States.

"(3) MINIMUM ALLOTMENT.—No State shall receive an allotment under paragraph (2) in any fiscal year which is less than $500,000.

"(4) REALLOTMENT.—The amount of any State's allotment under paragraph (2) or (3) for any fiscal year which the Secretary determines will not be required for such fiscal year for the early intervention program of that State shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under such paragraphs for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use such year for carrying out the State plan. The total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this paragraph during a year from funds appropriated pursuant to subsection (g) shall be deemed part of its allotment under such paragraphs for such year.

"(5) ALLOTMENT SUBJECT TO CONTINUING COMPLIANCE.—The Secretary shall make payments for early intervention programs only to States which continue to meet the requirements of subsection (c).

"(6) DEFINITIONS.—For the purpose of this section—

"(A) the term 'eligible institution' has the same meaning provided such term in section 435(a); and

"(B) the term 'eligible student' means a student eligible—

"(i) to be counted under section 1005(c) of the Elementary and Secondary Education Act of 1965;

"(ii) for assistance pursuant to the National School Lunch Act; or

"(iii) for assistance pursuant to part A of title IV of the Social Security Act (Aid to Families with Dependent Children).

"(c) USE OF ALLOTMENTS.—

"(1) IN GENERAL.—A State shall use payments received under this section to conduct an early intervention program that—

"(A) provide eligible students in any of the grades pre-school through 12 with a continuing system of mentoring and advising that—

"(i) is coordinated with the Federal and State community service initiatives;

"(ii) may include such support services as after school and summer tutoring, assistance in obtaining summer jobs, and academic counseling; and

"(iii) may be provided by service providers such as community based organizations, schools, eligible institutions, and public and private agencies, particularly institutions and agencies sponsoring programs authorized under subpart 4;

"(B) requires each student to enter into an agreement with the State under which the student agrees to achieve certain academic milestones, such as completing a prescribed set of courses and maintaining satisfactory academic progress as described in section 484(c), in exchange for receiving not more than 5 years of tuition assistance;

"(C) establishes a trust fund for the tuition assistance described in subparagraph (B) which may include contributions from Federal, State and private sources;

"(D) contains an incentive system to encourage greater collaboration between elementary and secondary schools and institutions of higher education through the creation of new linkage structures and programs; and

"(E) contains an evaluation component that allows service providers to track eligible student progress during the period such students are participating in the program assisted under this section and which is consistent with the standards developed by the Secretary pursuant to paragraph (3).

"(2) TUITION ASSISTANCE.—

"(A) DEFINITION.—For the purposes of this section the term 'tuition assistance' includes the costs of tuition, room and board, books, and required fees, if any.

"(B) ELIGIBLE INSTITUTIONS; PORTABILITY.—In order to receive an allotment under this section each State shall ensure that tuition assistance provided pursuant to the provisions of paragraph (1)(B) is available to an eligible student for use at any eligible institution.

"(C) RESERVATION FOR TUITION ASSISTANCE.—Each State receiving an allotment under this section shall use not less than 50 percent of such allotment to provide eligible students with tuition assistance in accordance with the provisions of this section.

"(D) SPECIAL RULE.—Each eligible student participating for at least 1 year in an early intervention program assisted under this section shall be eligible to receive tuition assistance pursuant to this section.

"(E) RELATION TO OTHER ASSISTANCE.—Notwithstanding any other provision of law, tuition assistance provided under this section shall not be considered income for the purpose of awarding Federal student financial aid.

"(3) EVALUATION STANDARDS.—The Secretary shall prescribe standards for the evaluation described in paragraph (1)(E). Such standards shall—

"(A) provide for input from States and service providers; and

"(B) ensure that data protocols and procedures are consistent and uniform.

"(d) STATE PLAN.—

"(1) IN GENERAL.—Each State desiring an allotment under this section shall submit a State plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each State plan submitted pursuant to paragraph (1) shall—

"(A) describe the activities for which assistance under this section is sought; and

"(B) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this section.

"(3) APPROVAL.—The Secretary shall approve a State plan submitted pursuant to paragraph (1) within 6 months of receipt of the plan unless the plan fails to comply with the provisions of this section.

"(e) PAYMENTS; FEDERAL SHARE.—

"(1) PAYMENTS.—The Secretary shall pay to each State having a State plan approved under subsection (d) the Federal share of the cost of the activities described in the State plan.

"(2) FEDERAL SHARE.—The Federal share shall be 50 percent.

"(f) EVALUATION AND REPORT.—

"(1) EVALUATION.—Each State receiving an allotment under this section shall annually evaluate the early intervention program assisted under this section in accordance with the standards described in subsection (c)(3) and shall submit to the Secretary a copy of such evaluation.

"(2) REPORT.—The Secretary shall annually report to the Congress on the activities assisted under this section and the evaluations conducted pursuant to paragraph (1).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $85,000,000 for fiscal year 1992 and each succeeding fiscal year thereafter to carry out the provisions of this section.".

SEC. 2. CONFORMING AMENDMENT.

Section 415A(a) of the Higher Education Act of 1965 (20 U.S.C. 1070(a)) is amended by adding the following new sentence at the end thereof: "It is also the purpose of this part to make allotments to States to enable States to conduct early intervention programs described in section 415F.".

By Mr. BRADLEY (by request):

S. 586. A bill to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Energy and Natural Resources.

RECLAMATION DROUGHT ACT

• Mr. BRADLEY. Mr. President, in my capacity as chairman of the Subcommittee on Water and Power, I am introducing legislation today recommended by the administration which is designed to grant the Secretary of the Interior permanent authority to deal with drought-related water shortages in the Western States.

In general, I support the intent and substance of this bill. The authorities it would grant should be helpful in planning for future droughts and mitigating the impacts of the current drought now affecting California, Nevada, Oregon, and other Western States. I am particularly pleased that the Secretary's legislation makes provision for aiding fish and wildlife, which are often the first and most severely affected victims of drought.

I am hopeful that this legislation will be moved quickly through the Committee on Energy and Natural Resources and passed by the Senate.

A summary of the bill prepared by the administration is included with this statement.

I ask unanimous consent that the text of the bill and the summary be inserted in the RECORD.

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

S. 586

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

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Reclamation Drought Act of 1991".

SEC. 2. GENERAL AUTHORITY.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting under the authorities of the Federal reclamation laws (the Act of June 17, 1902 (32 Stat. 388), and Acts supplementary thereto and amendatory thereof), and other appropriate authorities, is authorized to—

(a) perform studies to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects and Indian water resource developments, and for fish and wildlife habitat, maintenance and enhancement;

(b) consistent with existing contractual arrangements and applicable State and Federal law, undertake management and conservation activities that will reduce or can be expected to reduce the impacts of temporary drought conditions;

(c) provide information or technical assistance to willing buyers in their purchase of available water supplies from willing sellers and the delivery of such water consistent with applicable State and Federal law; and

(d) prepare drought contingency plans for Federal reclamation projects, which shall incorporate water conservation measures in the operations of non-Federal recipients of water from Federal reclamation projects, and enter into agreements with other Federal agencies, States, local governments, Indian Tribes, and such other public and private entities and individuals as may be necessary for the purpose of carrying out the provisions of this Act.

SEC. 3. AVAILABILITY OF WATER AND FACILITIES ON A TEMPORARY BASIS.

(a) CONTRACTUAL AUTHORITY.—For the purpose of reducing impacts of temporary drought conditions, the Secretary may make available, by contract, water, and the use of facilities at Federal reclamation projects for the storage or conveyance of project or non-project water, for use both within and outside an authorized project service area.

(b) CONTRACTUAL REQUIREMENTS.—Any contract signed under this Act shall provide that—

(1) the price of such water or for the use of facilities shall be at least sufficient to recover all Federal operation and maintenance and administrative costs, and an appropriate share of capital costs, including interest on project irrigation and municipal and industrial water, except that, for project water delivered to non-project landholdings in excess of 960 acres, the price shall be full cost (as defined in subsection 202(3)(a) of Public Law 97-293, 96 Stat. 1263; 41 U.S.C. §§390bb): *Provided*, That, the interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs shall be at a rate to be determined by the Secretary of the Treasury based on average market yields on outstanding marketable obligations of the United States with remaining periods to maturity of one year occurring during the last month of the fiscal year preceding the date of execution of the temporary contract;

(2) the lands not now subject to Federal reclamation laws that receive temporary irrigation water supplies under this section shall not become subject to the acreage limitations of Federal reclamation laws because of the delivery of such temporary water supplies; and

(3) the lands that are subject to the acreage limitations of Federal reclamation laws shall not be exempted from those limitations because of the delivery of such temporary water supplies.

(c) TREATMENT OF CONTRACTS.—

(1) No contract entered into by the Secretary pursuant to this Act shall be a "contract" as that term is used in sections 203(a) and 220 of the Reclamation Reform Act of 1982 (Public Law 97-293), as amended, and sections 105 and 106 of Public Law 99-546.

(2) Any existing contract that is amended by mutual agreement to allow a contractor to carry out the provisions of this section shall be a temporary amendment only, not to exceed one year from date of execution. Any such amendment shall not be considered a new and supplemental benefit for purposes of the Reclamation Reform Act, or affect any pre-existing rights.

(d) DURATION OF CONTRACTS.—Contracts entered into by the Secretary pursuant to this section shall terminate one year from the date of execution or upon a determination by the Secretary that water supply conditions no longer warrant that such contracts remain in effect, whichever occurs first.

(e) FISH AND WILDLIFE.—The Secretary may make available, on a temporary basis, water for the purpose of reducing impacts to fish and wildlife resources caused by temporary drought conditions.

SEC. 4. REPORT.

The Secretary shall submit an annual report to the President and Congress on expenditures and accomplishments under this Act.

SEC. 5. IMPLEMENTATION OF DROUGHT RELATED ASSISTANCE.

The Secretary, after consultation with the Governor or Governors of the affected State or States, may implement the authorities granted herein for reducing impacts of temporary drought conditions only after a determination by the Secretary that such actions are merited.

SEC. 6. ADMINISTRATIVE PROVISIONS.

The Secretary is hereby authorized to promulgate such rules and regulations as may be necessary for the purpose of carrying out the provisions of this Act.

SEC. 7. FEDERAL RECLAMATION LAWS.

This Act shall constitute a supplement to the Federal reclamation laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 9. SAVINGS CLAUSE.

Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

(a) as affecting in any way any law governing appropriation or use of, or Federal right to, water on Federal lands, or the right of any Indian Tribe to use its water for whatever purpose it deems appropriate, including fish and wildlife purposes, or the right of a Tribe to buy or sell water, or to affect any right enjoyed under license, lease or other authorization from an Indian Tribe;

(b) as expanding or diminishing Federal, Tribal or State jurisdiction, responsibility, interests, or rights in water resource development or control;

(c) as displacing, superceding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or two States and the Federal Government;

(d) as affecting in any way the applicability of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), or the Endangered Species Act (16 U.S.C. 1531 et seq.), or as otherwise superceding, modifying, or repealing, except as specifically set forth in this Act, existing law applicable to the various Federal agencies; or

(e) as affecting the water rights of any Indian Tribe or Tribal licensee, permittee, or lessee, or diminishing the Indian trust responsibility of the United States.

SECTION-BY-SECTION ANALYSIS OF THE RECLAMATION DROUGHT ACT OF 1991

SECTION 1. SHORT TITLE

This section is self-explanatory.

SECTION 2. GENERAL AUTHORITY

The first paragraph invokes the authorities contained in the body of Federal reclamation laws and other appropriate authorities available to the Secretary, and authorizes the Secretary to undertake certain activities listed in the following subsections. (Note: The paragraph is similar to the language used in the 1977 "Emergency Drought Act" (P.L. 95-18) and almost identical to the preparatory paragraph of the "Reclamation States Drought Assistance Act of 1988" (P.L. 100-387)).

Subsection 2(a) provides study authority to identify opportunities to augment, make use of, or conserve water supplies available to Federal reclamation projects, Indian water resource developments, and for fish and wildlife habitat, maintenance and enhancement. (Note: This language is similar to existing authority vested in the Secretary; however, the use of the term "conserve" in describing the nature of the studies to be undertaken is significant in the context of the Federal reclamation laws. Similar authority was included in the 1977 Act and the language is identical to that of the 1988 Act except for the lack of a date by which studies must be completed, and the expansion of study scope to include "fish and wildlife habitat, maintenance and enhancement".)

Subsection 2(b) authorizes the Secretary to undertake management and conservation activities to reduce the impacts of temporary drought conditions. (Note: Similar authorities were included in the 1977 Act. The 1988 Act had identical language but included "construction" as an authorized activity. Under the proposed bill, the caveat that such activities are for "temporary drought conditions" is significant. In addition, language has been added clarifying that the Secretary's activities must be consistent with and guided by applicable Federal, as well as State, law. This avoids a construction that inconsistent State law controls over Federal law, including environmental statutes, the law of reserved Federal and Indian water rights, and statutes and judicial decrees governing water management and conservation on specific reclamation projects.)

Subsection 2(c) allows the Secretary to provide information and technical assistance to willing buyers in the purchase of available water supplies from willing sellers and the delivery of such water in accordance with applicable State and Federal law. (Note: Similar authority was included in both the 1977 and 1988 Acts. Reclamation, because of its central role in water resources, can serve as a "clearinghouse" to bring water sellers and buyers together and help in the delivery of such water supplies. No purchase of water by the Secretary of financial aid to would-be buyers is authorized by this subsection. Language has been added, as in subsection 2(b), clarifying the applicability and force of Federal law).

Subsection 2(d) allows the Secretary to prepare drought contingency plans for Federal reclamation projects, which shall incorporate water conservation measures in the operations of non-Federal recipients of water from Federal reclamation projects, and to enter into agreements with "Federal agencies, States, local governments, Indian Tribes, and such other public and private entities and individuals" for the purposes of carrying out the provisions of the act. (Note: Although the Secretary has adequate planning authority under existing law, the use of the term "drought contingency plans" focuses planning efforts. Neither the 1977 nor the 1988 Acts were specific as to authorizing the Secretary to enter into agreements, as such authority is vested in the Secretary under Federal reclamation laws. However, it is appropriate that such authority be repeated in this bill; particularly as to the broad definition of with whom he may enter into such agreements. This authority is not premised on the existence of temporary drought conditions. The objective is to allow the Secretary to enter into agreements and prepare such drought conditions. The objective is to allow the Secretary to enter into agreements and prepare such drought contingency plans in anticipation of drought conditions.)

SECTION 3. AVAILABILITY OF WATER AND FACILITIES ON A TEMPORARY BASIS

Subsection 3(a) is the most important authority vested in the Secretary by the bill. The authority granted by this paragraph is essential if water and facilities are to be used to their fullest capability in alleviating the adverse impacts of temporary drought conditions both within and outside authorized project service areas. The flexibility in water and facility management contained in this broad authorization allows the Secretary to become a "good neighbor" in times of drought and assist non-project water users in overcoming temporary drought conditions. This flexibility also allows water and facilities to be used for a much broader range of purposes than is normally associated with a Federal reclamation project and facilitates the temporary transfer of water from one use to another as dictated by drought conditions. (Note: The 1988 Act contained almost identical authority.)

Subsection 3(b)(1) requires that any contract signed under this Act shall provide that the price of such water or for the use of facilities (pursuant to section 3(a)) shall be at least sufficient to recover all federal operation and maintenance and aministrative costs, plus an appropriate share of capital costs, including interest on project irrigation and municipal and industrial water, except that, for project water delivered to nonproject landholdings in excess of 960 acres, the price shall be at full cost as defined in subsection 202(3)(a) of the Reclamation Reform Act of 1982.

Subsections 3(b)(2) and (3) are self-explanatory. (Note: Similar language was contained in the 1988 Drought Act.)

Subsection 3(c)(1) ensures that the restrictions of the Reclamation Reform Act of 1982 (P.L. 97-293), as amended, are not imposed on water users receiving either water or the temporary use of reclamation facilities pursuant to a contract entered into under the provisions of this Act. This subsection also exempts such contracts from the requirements contained in P.L. 99-546 relating to contracting from the Central Valley Project (CVP). P.L. 99-546 requires that all new or amended contracts for water supplies from the CVP contain provisions for the automatic adjustment of rates and an authorization for the Secretary to adjust determinations of ability to pay at five-year intervals. Inasmuch as the contracts under this bill are for only a one-year period, the restrictions of P.L. 99-546 are inappropriate. (Note: Similar language was contained in the 1988 Act.)

Subsection 3(d) is self-explanatory.

Subsection 3(e) authorizes the Secretary to make water available for the purpose of reducing impacts to fish and wildlife resources caused by temporary drought conditions.

SECTION 4. REPORT

This section is self-explanatory. (Note: Both the 1977 and 1988 Acts contained reporting requirements.)

SECTION 5. IMPLEMENTATION OF DROUGHT RELATED ASSISTANCE

This section is self-explanatory. (Note: Implementation of the 1988 Act was conditioned upon the declaration of a drought emergency by the Governor of the affected State and that the area was declared eligible for Federal disaster relief assistance under applicable rules and regulations promulgated by the U.S. Department of Agriculture. The 1977 Act contained no such conditions. The Secretary has the responsibility under Federal reclamation laws to operate projects in such a manner as to protect the Federal investment, to fulfill authorized project purposes, and to meet contractual commitments. These are authorizes and responsibilities that should not be subjugated to the judgment of any other official. In turn, droughts do not recognize project boundaries and, if the Secretary determines that Federal facilities can be used to assist non-project water users, the Secretary should be in a position to help. Consultation in such circumstances with the Governor(s) is appropriate and mandated by this section.)

SECTION 6. ADMINISTRATIVE PROVISIONS

This section is self-explanatory.

SECTION 7. FEDERAL RECLAMATION LAWS

This section is self-explanatory.

SECTION 8. AUTHORIZATION OF APPROPRIATIONS

Except for the possibility of providing nonreimbursable water for fish and wildlife purposes, there are no out-of-pocket costs that would not be entirely reimbursed.

SECTION 9. SAVINGS CLAUSE.

Subsections 9(a), 9(b), and 9(c) are self-explanatory "boiler plate" language similar to the 1977 and 1988 Acts. Subsections 9(d) and 9(e) ensure that nothing in the Act shall affect the applicability of the National Environmental Policy Act or the Endangered Species Act, or the water rights of any Indian Tribe or Tribal licensee, permittees, or lessee, or diminish the Indian trust responsibility of the United States, respectively.●

By Mr. NICKLES:

S. 587. A bill to amend chapter 19 of title 38, United States Code, to provide an additional amount of Servicemen's Group Life Insurance for death in combat, to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who die in the Persian Gulf combat zone; to the Committee on Veterans' Affairs.

BENEFITS FOR PERSIAN GULF MILITARY PERSONNEL

Mr. NICKLES. Mr. President, I rise today to introduce an important piece of legislation to provide needed benefits for our military personnel stationed in the Persian Gulf.

My legislation does two things. First, it provides a supplemental life insurance program to cover military deaths in combat, and second, it pays a death gratuity to the survivors of military personnel killed in the Persian Gulf combat zone during Operation Desert Storm.

Current law provides all military service personnel with an option to participate in a life insurance program called Servicemen's Group Life Insurance [SGLI]. Under SGLI the maximum life insurance benefit is $50,000 and the Senate Armed Services Committee has reported legislation to increase the maximum coverage to $100,000. I strongly support the Armed Services Committee's proposal but I believe that even higher life insurance benefits should be made available, particularly for deaths incurred in a combat zone.

In 1965 when the SGLI Program was first authorized with a maximum benefit of $10,000 the majority of military personnel were young, single draftees. Today, military personnel are increasingly older and more likely to have a spouse and a family. For those military personnel with several dependents $50,000 or even $100,000 in life insurance coverage is not much. It certainly is not enough to ensure that the surviving family members will be able to maintain a comfortable living, to continue making mortgage payments on the family home, or to ensure that their children will receive a college education.

The legislation I am introducing today would establish a separate optional program within the existing SGLI Program to provide supplemental life insurance up to $200,000, which would provide benefits for any death incurred in combat.

This optional program would operate just as the current program does and would be paid for by deductions from the participating service members military pay. Coverage would be automatic, but just as with SGLI, service members could elect not to receive the supplemental coverage or to participate in an amount less than $200,000 in multiples of $10,000. The total amount of regular SGLI coverage combined with the supplemental combat coverage could not exceed $200,000.

The cost of SGLI Programs is shared by the service member participants and the Federal Government, but premium deductions from service member paychecks pick up the full cost of the program up to an actuarially established number of deaths not attributed to the extra hazards of military service. In other words as long as the number of military personnel who die in a given year does not exceed the average number of deaths in the 3 previous years, there is no cost to the Federal Government for the program. In fact, according to officials of the Department of Veterans Affairs, the SGLI Program has been fully self-supporting since 1974.

The Congressional Budget Office estimates that the provisions of the bill passed by the Armed Services Committee regarding the SGLI increase only would involve no increased cost to the Federal Government. Similarly, the optional combat SGLI coverage should not involve any cost to the Federal Government as long as the number of deaths of military service members does not exceed the actuarial baseline.

The second part of my bill would provide a death gratuity of up to $200,000 to the survivors of military service members killed as a result of their participation in Operation Desert Storm. The amount of the gratuity would be reduced by any amount payable under existing SGLI coverage.

The Armed Services Committee bill provides a $50,000 gratuity to the survivors of all SGLI participants who die between August 1, 1990, and the date of enactment of that bill, regardless of where they are serving. My proposal is to provide a large gratuity, but only to the survivors of those who have died in the Persian Gulf combat zone.

According to the Department of Veterans Affairs, approximately 250 military service members die each month and are eligible for SGLI death payments. Thus, since August 1, 1990, until today approximately 1,750 service members have died, and the Armed Services Committee bill would provide a $50,000 gratuity to their survivors.

In contrast, the Pentagon has advised me that in the Persian Gulf war there have been 104 combat related deaths and 68 nonhostile deaths. My bill would provide a maximum gratuity of $200,000 to the survivors of those

service members who have died in the Persian Gulf.

While a $200,000 gratuity may sound like a substantial amount of money to some of my colleagues, it really is not when the cost of providing for the survivors of those who have made the ultimate sacrifice for their country is considered. And it is not very substantial when compared to the costs of many of the weapons involved in Desert Storm. Following are some representative hardware costs of Desert Storm:

One Apache AH-64 helicopter, $12 million.

One Hellfire antitank missile, $40,000 each.

One Patriot missile, $1.1 million.

One Tomahawk cruise missile, $1.35 million.

One GBU-15 glide bomb, $200,000.

One HARM antiradiation missile, $250,000.

One M1A1 tank, $2.5 million-$4 million.

One Bradley Fighting Vehicle, $1.5 million.

Flying 1,000 air sorties per day, $25 million per day.

Compared to the costs of this hardware, I think $200,000 to be provided to the families to those who have died in Desert Storm is a necessary, but very reasonable cost. Compared to the total estimated cost of Desert Storm of $68 billion with a U.S. share of $15 billion, the cost of providing a death gratuity to the families of those who have died strikes me as very reasonable—and is the very least that we in Congress can do for those who have given their life so far away from home defending freedom.

Mr. President, I believe that the provision of a death gratuity to the survivors of those killed in the Persian Gulf is directly related to the purpose of responding to the needs of service members participating in Operation Desert Storm and their families. I urge all of my colleagues to support the bill and I look forward to working with the Armed Services Committee to enact this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 587

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

SECTION 1. INCREASE OF SGLI FOR MEMBERS OF THE ARMED FORCES WHO DIE IN COMBAT.

(a) INCREASED AMOUNT.—Section 767 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Any policy of insurance purchased by the Secretary under section 766 of this title shall automatically insure against the death in combat of any member of a uniformed service on active duty. The insurance shall be effective on the first day of active duty of such member.

"(2) The amount of the death insurance provided for a member of a uniformed service under paragraph (1) shall be $200,000 unless such member elects in writing (A) not to be insured under this subsection, or (B) to be insured under this subsection in an amount less than $200,000 that is evenly divisible by $10,000.

"(3) The amount of the insurance coverage provided for a member under this subsection shall be in addition to the amount of any insurance coverage provided for the member under subsection (a) of this section, except that no member may be insured under such subsections for a total amount in excess of $200,000.

"(4) For the purpose of this subsection, the term 'death in combat' means death that occurs (A) in any area designated by the President by Executive order as an area in which members of the Armed Forces are or have engaged in combat, and (B) during a period designated in that order as a period of combatant activities.".

(b) CONFORMING AMENDMENT.—Section 777(a) of title 38, United States Code, is amended—

(1) in the third sentence, by inserting "under section 767(a) of this title" after "Servicemen's Group Life Insurance"; and

(2) in the fifth sentence—

(A) by striking out "for less than $50,000 under Servicemen's Group Life Insurance" and inserting in lieu thereof "under Servicemen's Group Life Insurance for less than $50,000 under section 767(a) of this title"; and

(B) by inserting "under such section 767(a)" after "payable".

(c) TRANSITION PROVISION.—The Secretary of Veterans Affairs, in consultation with the Secretary concerned, shall take such action as is necessary to ensure that each person referred to in paragraph (1) of section 767(e) of title 38, United States Code, as added by subsection (a), is notified of the increased insurance coverage provided under such section and is afforded the opportunity to make an election under such section within 120 days after the date of the enactment of this Act.

SEC. 2. DEATH GRATUITY FOR MEMBERS OF THE ARMED FORCES WHO DIE IN THE PERSIAN GULF COMBAT ZONE DURING THE PERSIAN GULF CONFLICT.

(a) PAYMENT OF DEATH GRATUITY.—(1) Subject to subsection (b), the Secretary of Veterans Affairs shall pay, out of any sums in the Treasury not otherwise appropriated, a death gratuity in the amount provided in paragraph (2) to the beneficiary of each member of the Armed Forces of the United States who dies as a result of illness or injuries incurred or aggravated in the Persian Gulf combat zone during the Persian Gulf War.

(2) The amount of a death gratuity payable to a member under paragraph (1) shall be $200,000 less the total amount of insurance, if any, payable in the case of such member under sections 767(a) and 777(a) of title 38, United States Code.

(b) APPLICATION FOR GRATUITY REQUIRED.—A death gratuity shall be paid to a beneficiary of a member referred to in subsection (a) if application therefor is received by the Secretary of Veterans Affairs within one year of the date of the death of the member.

(c) DEFINITIONS.—In this section:

(1) The term "beneficiary" means, in the case of a member of the Armed Forces of the United States referred to in subsection (a), the person to whom any amount of insurance in force on such member would be paid or payable under section 770(a) of title 38, United States Code.

(2) The term "Persian Gulf combat zone" means the geographic area given such denomination in Executive Order No. 12744, dated January 21, 1991.

(3) The term "Persian Gulf War" means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

By Mr. MITCHELL:

S. 588. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations; to the Committee on Finance.

COMMON FUND FOR PRIVATE FOUNDATIONS AND COMMUNITY FOUNDATIONS

Mr. MITCHELL. Mr. President, I am introducing legislation today, along with Senator DURENBERGER, which would amend the Internal Revenue Code to permit private foundations and community foundations to establish common funds for investment purposes. This bill is substantially identical to legislation I introduced in 1989, S. 1515. Nine Senators joined me in sponsoring that legislation.

Under the current law, section 501(f), educational institutions are permitted to organize a tax-exempt fund for purposes of pooling their investment assets. This enables educational institutions, without the resources to hire money managers, to obtain more sophisticated investment advice that improve their investment performance.

In response to this legislation, which was enacted in 1974, colleges and universities banded together to form the common fund to invest their endowment assets. Today, over 900 educational institutions invest more than $10 billion in assets through the common fund.

This pooling arrangement is not available to other nonprofit organizations, such as private foundations and community foundations. Instead, they must invest their assets individually. Smaller foundations, without the substantial assets that justify sophisticated investment advice, have had difficulty earning competitive rates of return on their assets.

Legislation enacted in 1969 requires foundations to distribute each year either all of their asset earnings or a certain portion of investment assets. This creates a tension between the payout rules and the long-term operations of foundations that make specialized investment necessary.

The legislation I am introducing today would permit foundations to accumulate their assets for investment purposes so that their specialized investment needs can be more professionally managed. This is particularly important for smaller foundations because their total investment returns lag substantially behind those of many larger foundations. By pooling their re-

sources, as permitted by this bill, smaller foundations would have the same investment abilities of educational institutions. The bill will require that a common fund have at least 20 participating foundations, with no private foundation having in interest in excess of 10 percent. These, and other provisions, will ensure that such a common investment fund will not be used to avoid the special restrictions on private foundations.

I invite Senators to cosponsor this bill. The cost is quite modest, less than $10 million a year and I hope we can get these changes enacted into law this year.

I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 588

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

SECTION 1. COOPERATIVE SERVICE ORGANIZATIONS FOR CERTAIN FOUNDATIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) COOPERATIVE SERVICE ORGANIZATIONS FOR CERTAIN FOUNDATIONS.—

"(1) IN GENERAL.—For purposes of this title, if an organization—

"(A) is organized and operated exclusively for purposes referred to in subsection (f)(1),

"(B) is comprised exclusively of members which are exempt from taxation under subsection (a) and are—

"(i) private foundations, or

"(ii) community foundations as to which section 170(b)(1)(A)(vi) applies,

"(C) has at least 20 members,

"(D) does not at any time after the second taxable year beginning after the date of its organization have a member which holds more than 10 percent (by value) of the interests in the organization,

"(E) is not controlled by any one member and does not have a member which controls another member of the organization, and

"(F) permits members of the organization to dismiss the organization's investment advisor, following reasonable notice, upon a vote of the members holding a majority of interest in the organization,

then such organization shall be treated as an organization organized and operated exclusively for charitable purposes.

"(2) TREATMENT OF INCOME OF MEMBERS.—If any member of an organization described in paragraph (1) is a private foundation (other than an exempt operating foundation, as defined in section 4940(d)), such private foundation's proportionate share of the net income of the organization (including capital gains) for any taxable year of the organization shall be treated, for purposes of section 4940, as net investment income of such private foundation (whether or not distributed to such foundation) for the taxable year of such private foundation with or within which the taxable year of the organization described in paragraph (1) ends.

"(3) APPLICABLE EXCISE TAXES.—Subchapter A of chapter 42 (other than sections 4940 and 4942) shall apply to any organization described in paragraph (1)."

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1990.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 590. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to the preemption of the Hawaii Prepaid Health Care Act; to the Committee on Labor and Human Resources.

ERISA AND THE HAWAII PREPAID HEALTH CARE ACT

Mr. AKAKA. Mr. President, I rise today to introduce legislation on behalf of myself and the senior Senator from Hawaii that would exclude the Hawaii Prepaid Health Care Act from the Employee Retirement Income Security Act of 1974 [ERISA].

In recognition of Hawaii's goal of providing universal health care for all employees, my bill would exempt the State's Prepaid Health Care Act from restrictions contained in ERISA. Such an exemption would give Hawaii greater flexibility to improve both the quality and scope of health coverage to her working men and women. It would also allow the State to address inconsistencies in its innovative approach to health care.

Hawaii has long led the Nation in ensuring that basic health care is available to all its people. This system delivers high-quality care at relatively low cost, despite an otherwise high cost of living in the State. Hawaii will soon be the first State in the Nation to achieve universal health care coverage.

Mr. President, my State has achieved this unique status by building on the success of the Hawaii Prepaid Health Care Act of 1974, which covers 88 percent of the population. There are two other components of this three-pronged approach. One is the State's Medicaid Program, which uses Federal and State funds to guarantee access to care for the medically and economically needy—about 7 percent of the population. The other part is the new State Health Insurance Program [SHIP], which seeks to enroll the remaining 5 percent ineligible for either employer-provided coverage or Medicaid.

Since 1974, Hawaii has had a mandated employer health benefits program, the first and only one of its kind in the United States. The Prepaid Health Care Act was enacted after many years of study and debate in an environment of already strong employment-based coverage. Nearly all of Hawaii's employers are required to provide employee health insurance, with the employee paying up to half the premium cost, but no more than 1.5 percent of monthly wages and the employer providing the balance. Dependent care is optional.

Eligible employees must work at least 20 hours a week and earn a minimum amount per month. Employers may offer one of two basic plans—a fee-for-service plan or a designated health maintenance plan.

Hawaii has also been expanding eligibility for Medicaid to the maximum allowed under Federal options and recently implemented SHIP, its subsidized insurance program covering those left in the gap between the employer provided insurance and Medicaid.

Launched in April 1990, SHIP provides a State-subsidized, basic insurance plan to those in the gap group—mainly the unemployed, dependents of low-income workers who are mostly children, and part-time workers unable to afford coverage. An estimated 30,000 to 35,000 individuals are in the gap group. To date, over 7,000 members have enrolled.

Mr. President, the road to universal health care coverage is often rocky, and the Federal Government has sometimes erected barriers rather than removed constraints to achieving maximum coverage. A case in point is the State's experience with the Hawaii Prepaid Health Care Act and ERISA.

In 1980, the Ninth Circuit Court of Appeals held that the preemption clause in ERISA prevented the State from enacting minimum health care requirements for employers governed by ERISA. The court determined that in the absence of an expressed exemption for the Hawaii statute, Federal law governs. The U.S. Supreme Court affirmed the lower court ruling, and concluded that relief could come only from Congress.

Soon thereafter, I sponsored legislation to grant an exemption for the Hawaii statute. After considerable congressional debate, a limited ERISA exemption was signed into law on January 14, 1983. However, the exemption was not prospective and only permitted the State to require the specific benefits set forth in its 1974 statute.

An unfortunate consequence is that the Hawaii Prepaid Health Care Act has been "frozen in time," with no amendments or changes allowed other than those that would enhance "effective administration."

Mr. President, there is an urgent need to bring the State statute up to date, inasmuch as 17 years have passed since its enactment. We need to allow a State that has been at the forefront of innovative approaches to health care to make changes which better reflect the needs of today's population and their employers. Hawaii should not have to resort to back-door approaches in order to ensure basic health care to its citizens. My legislation will permit the State to address these issues and upgrade its successful health care programs for the 1990's.

Today, Hawaii has one of the lowest infant mortality rates and one of the highest life expectancy rates in the Na-

tion. Although the incidence of chronic diseases, such as cancer and heart disease among adults is similar to that of other States, the death rates from these diseases are lower. The substantial investment Hawaii has made in the prepaid health care law has clearly paid off. Once granted the flexibility that my bill would provide, the Hawaii statute will serve as a model for other States and the Federal Government.

Mr. President, I urge my colleagues to support this bill, and I ask unanimous concent that it be printed in the RECORD.

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

S. 590

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

SECTION 1. PREEMPTION OF HAWAII PREPAID HEALTH CARE ACT.

Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

"(5)(A) Except as provided in subparagraph (B), subsection (a) shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. §§393-1 through 393-51).

"(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefit plans."

By Mr. BRYAN (for himself, Mr. DANFORTH, Mr. GORTON, and Mr. ADAMS):

S. 591. A bill to require airbags for certain newly manufactured vehicles; to the Committee on Commerce, Science, and Transportation.

HIGHWAY FATALITY AND INJURY REDUCTION ACT

Mr. BRYAN. Mr. President, together with my Commerce Committee colleagues, Senators DANFORTH and GORTON, and with Senator ADAMS, I am pleased to introduce today a bill that will save thousands of lives each year by ensuring that consumers who buy passenger vehicles will have airbags in their vehicles. It is rare that we have that opportunity to literally save many lives through a simple legislative measure. The National Highway Traffic Safety Administration has estimated that up to 12,000 lives each year can be saved if all cars have driver- and passenger-side airbags.

Airbags provide an important example of the potential for enhancing safety through technology, and a lesson in how difficult it can be to get that technology to the consumer. Everyone agrees that people are safer in cars that have airbags. And we have dramatic examples of more and more people who literally owe their lives to airbags.

However, the law is lagging behind technology. Current law requires at most that cars have either automatic seatbelts or airbags in the front seat of the vehicle. Other passenger vehicles—including the minivans used by many families, small pickup trucks, and jeeps—are not required to have either safety device, although a rulemaking to consider such a requirement is ongoing.

We know that automatic seatbelts are not as effective as airbags in protecting people in front-end crashes. We also know that many automatic seatbelts are so poorly designed that they are often disconnected. Airbag-equipped cars are unquestionably safer.

Moreover, even though automakers seem to have become believers in airbags, without mandatory standards the vehicles that get airbags often are only the luxury models which are not affordable for many people. It is indefensible that a proven safety technology as effective as airbags would be available only if you can pay more for your car.

The bill we are introducing today will correct this problem. It will require that cars manufactured after September 1, 1995, have airbags in the driver and passenger front seats. It also will require that vehicles such as jeeps, minivans, and small pickups have airbags in the driver's side after September 1, 1996, and that they have driver- and passenger-side airbags after September 1, 1997.

Even though carmakers have said they will soon have airbags in most of their cars without this legislation, the bill is careful to give them several years lead time in case some of them need to change some product plans. And the bill will ensure that the current laudable plans to provide airbags are actually carried out in a timely fashion. With respect to pickups, minivans, and jeeps, the bill covers the same vehicles addressed in NHTSA's proposed rule to require automatic seatbelts or airbags, and uses the same timetable. NHTSA's rule was proposed over 1 year ago, but is not final, and would not ensure that airbags are in these vehicles. Yet we know that the families that use these vehicles would be safer if they had those airbags.

The time has come to provide consumers with the safety benefits available through airbags. For evidence of this we need look no further than the auto industry itself, which now bases major advertising campaigns on its willingness to provide airbags. We must ensure that the positive move toward airbags continues at a reasonable pace, and this legislation will do that. I urge my colleagues to join me in giving consumers the safety they want and need.

Mr. DANFORTH. Mr. President, today I am joining Senator RICHARD BRYAN and others in introducing the Highway Fatality and Injury Reduction Act of 1991, legislation to require the installation of airbags in all passenger cars and light trucks. Each year, 45,000 Americans die in highway crashes and another 520,000 are hospitalized with serious injuries. According to the Department of Transportation [DOT], highway crashes cost the U.S. economy $75 billion annually.

The single most important vehicle improvement we can make to reduce these fatalities and injuries is to require airbags in all cars and light trucks, which include minivans, four-wheel drives, and pickups. Under DOT's 1984 passive restraint rule, a car must be equipped with either airbags or automatic seatbelts. Although either option is available to manufacturers, statistics prove that airbags provide superior protection. So-called automatic seatbelts have not substantially increased belt use rates. These automatic belts can be either manually operated or, in some cases, may have motorized shoulder harnesses. A 1989 Insurance Institute for Highway Safety study on nonmotorized automatic belts found that the automatic feature had been disabled on one or more belts in 95 percent of the new cars it surveyed in dealer showrooms. Motorized automatic belts provided an automatic shoulder harness, but require the driver or passenger to bucklet the lapbelt. A report by the Highway Safety Research Center of the University of North Carolina found that less than 30 percent of the occupants of cars with motorized belts connected their lap belts.

Even when a seatbelt is worn, it is not as effective as an airbag. A German study assessed the effectiveness of automatic belts on more than 600 passengers involved in frontal collisions. The study found that, even with automatic belts, 30.4 percent of the drivers suffered a head impact and 10.6 percent suffered skull-brain trauma. The study also found that 28.6 percent of the drivers sustained chest injuries.

In light of this overwhelming evidence, safety experts agree that seatbelts cannot provide the protection that airbags provide in a severe crash. Even the Automotive News, in an editorial entitled "Most 'Passive' Belts Are Actively Foolish; Bring on the Bags," has recognized that:

> A not very funny thing happened on the way to getting airbags in cars: a new generation of ever-worse seatbelts. * * * The long-term solution is air bags and normal three-point belts. Fortunately, buyers now want bags. * * * Everybody should hurry it up. The sham-passive belts will be a short-lived, unfortunate footnote in the history of car safety.

In contrast to automatic belts, airbags have been a great success. State Farm Insurance Co. has been tracking the experience of its policyholders with airbag-equipped cars. In all but 3 out of 2,199 accidents in which the airbag deployed, the drivers survived. In Missouri alone, 90 State Farm policyholders have been saved from death or more serious injuries by airbags.

Examples of crashes of vehicles equipped with airbags eliminate any

doubt regarding their lifesaving value. On August 31, 1990, an air-bag-equipped Chevrolet Camaro slammed into a tree in Meridian, MS. The driver walked away from the accident, even though police said the car was traveling 50 mph when it hit the tree. On March 12, 1990, two air-bag-equipped Chrysler Lebarons collided head on in Culpeper County, VA. The vehicles were destroyed, but the drivers walked away with minor bruises. In the summer of 1989, in Lancaster County, VA, the driver of a Chrysler Lebaron convertible with an airbag survived a head-on, 80-mph closing speed crash with a full-sized station wagon. In another accident 2 years ago, an 18-year old driver from Lee, NH, survived a 50-mph crash into a large tree stump because he was driving an air-bag-equipped Dodge Daytona. In July of 1989, in the mountains outside of Boise, ID, the Lincoln Continental driven by the parents of newswoman Kathleen Sullivan flew off the road. The car flew 58 feet in the air before landing on its roof. Local police and DOT officials said the couple survived the crash because their Continental had driver- and passenger-side airbags.

DOT has estimated that the general availability of airbags in passenger cars could prevent 8,000 fatalities annually. About 40 percent of all 1991 model cars will have driver-side airbags. Unfortunately, to date, very few small cars have been equipped with airbags. This omission means that the already existing difference in fatality rates between small and large cars will expand. Moreover, only a few light truck models have airbags.

Our legislation would eliminate some of these safety gaps. It requires all passenger cars manufactured on or after September 1, 1995, to have both driver- and passenger-side airbags. In addition, family vehicles, such as minivans, four-wheel drives, and small pickups manufactured after September 1, 1996, must have driver-side airbags, and those manufactured after September 1, 1997, must have both driver- and passenger-side airbags.

For many years, Lee Iacocca opposed airbags. Iacocca now says, "Some things you wait for. Some things you don't. Minivans with airbags. You don't wait." I agree. I think the American public has waited long enough for airbags in minivans and every other type of passenger vehicle. It is time we had them. I urge my colleagues to join me in supporting this lifesaving legislation.

Mr. GORTON. Mr. President, I am pleased to join with my good friends and colleagues, Senator BRYAN and Senator DANFORTH, in introducing a bill to mandate airbags in all new cars sold in the United States. I have been a longtime proponent of airbags having coauthored a bill with Senator DANFORTH in 1981 and 1983 which would have given tax incentives to manufacturers to equip cars with airbags.

The bill that we are introducing today would mandate that by September 1, 1995, all new passenger cars sold in the United States would be equipped with airbags in both the driver's and passenger's sides. It would also require all new light trucks, jeeps, and minivans to have driver's side airbags by September 1, 1996, and both passenger- and driver's-side airbags a year later.

Present rules require automobile manufacturers to install airbags or another passive restraint system to protect the driver in the event of a head-on collision. Approximately 40 percent of all new cars have airbags. Some manufacturers, such as Chrysler, made a decision to provide driver-side airbags as standard equipment in all their new 1990 cars. Other manufacturers chose to comply with the law by using either motorized or nonmotorized seatbelts. While data on the new passive restraint systems is still being compiled, the preliminary results are overwhelming. Airbags are enormously effective in saving lives and reducing serious injuries. Unfortunately, the other passive systems are not very effective. The vast majority of motorized and nonmotorized seat belts are either disconnected or are being used improperly. Many people who have purchased cars with the new motorized shoulder belts are failing to connect the lapbelt. Automatic belts seems to give passengers a false sense of security resulting in serious injuries when people slide under the shoulder belts because their lapbelt is unbuckled.

In 1984, in the passive restraint rule, the Department of Transportation estimated that if airbags were generally available in all cars, 8,000 lives a year would be saved. Thousands of others would be saved from serious injuries.

Some of us in the Congress fought long and hard during the early 1980's to get airbags in cars. I regret that we were only partially successful. Today, I hope the fight will be easier. Consumers are hearing about terrible accidents in which cars are demolished, yet the driver walks away virtually unscathed. Some of the auto manufacturers have already recognized that more and more people are making buying decisions based upon the availability of life-saving airbags. Many of them have already decided to put airbags in cars more rapidly than the mandated targets of our bill. I compliment those companies and challenge the other auto manufacturers, as well as the light truck manufacturers, to get on board and support this worthy goal.

Mr. ADAMS. Mr. President, I am proud to join Senators BRYAN, DANFORTH, and GORTON in introducing today the Highway Fatality and Injury Reduction Act of 1991. I believe strongly in the effectiveness of airbags as a means of reducing the millions of traffic injuries and fatalities that occur on our roads and highways each year.

One of my first priorities as Secretary of Transportation was to require the mandatory installation of airbags in private automobiles by 1981. Unfortunately, President Reagan revoked that standard, before it could be implemented.

With this legislation, we have come full circle back to my original position. I am proud to stand here today as a cosponsor of this bill, which will mandate this lifesaving technology in all passenger as well as other types of vehicles.

As I turn on my TV and see Lee Iacocca using airbags to sell cars, I can't help but smile as I recall the arguments against mandatory airbag installation made by the auto industry at that crucial moment back in the 1970's.

The industry argued that safety wouldn't sell automobiles. They argued that the airbag technology simply couldn't work. And they argued that the costs of the airbags would drive consumers away from the market.

Today we know these arguments are baseless, and I'm grateful that in 1977, when I was under pressure to reverse my ruling, the Senate backed my position. At that crucial moment, the Senate voted in favor of airbags.

Today, the Senate is taking the lead in building upon the record I initiated more than a decade ago as Secretary of Transportation. The Highway Fatality and Injury Reduction Act of 1991 requires driver and passenger side airbags in all passenger cars by September 1995. The bill also requires driver side airbags in vans, small pickups and Jeeps manufactured after September 1996, and driver and passenger side airbags for these vehicles after September 1997.

The National Highway Traffic Safety Administration estimates that up to 12,000 lives could be saved each year by implementing this law. The approximately $200 per car it will cost to inlcude airbags is a small price when compared to the savings in human life this legislation will bring about. The auto industry is finally on the right track. It's long past time for this legislation.

By Mr. SHELBY (for himself, Mr. THURMOND, and Mr. HOLLINGS):

S. 592. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

HAZARDOUS AND SOLID WASTE MANAGEMENT ACT

• Mr. SHELBY. Mr. President, I rise today to introduce legislation that would greatly enhance the State's ability to address substantively and re-

sponsibly its hazardous and solid waste problem. I introduced similar legislation during the 101st Congress because I realized that Congress must take the initiative in granting to States the authority to manage hazardous and solid waste. The disposal of hazardous and solid waste is one of the Nation's most pressing environmental issues of the 1990's, and it should be obvious to all of us that what we are doing now is not working.

States must have a say in determining what hazardous and solid wastes come into their boundaries—we want to be able to regulate and control the flow of waste that is transported on our highways and railways to be treated, stored, or disposed of in our States. My bill is designed to give States a voice in determining these important matters.

I have come before this body several times in the past 2½ years to express my concerns regarding hazardous waste. Each year, the volume of hazardous waste grows as disposal capacity shrinks. The most recent Federal data available indicate that 270 million tons of hazardous waste is generated in the United States each year. Industries dispose of hazardous waste wherever they can find an approved facility and that often is in another State. You end up having roughly 700 million pounds of hazardous waste traveling between States. The potential for accidents and spills is simply too great.

The Superfund Removal Program has approved 23 sites across the country for the disposal of hazardous waste. The most recent statistics available from the EPA to determine the total hazardous waste disposed of in the removal program are through March 1, 1989.

Between 1984 and March 1, 1989, 94,868 tons of hazardous waste have been disposed of nationwide through the Superfund Removal Program. During this period, 38,163 tons of this hazardous waste have been sent to the chem waste management facility in Emelle, AL. That represents 40 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 when the program began, and March 1, 1989.

Another 17 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 and March 1, 1989, has been sent to the GSX facility in Pinewood, SC. This means that 57 percent of all hazardous waste nationwide processed through the Superfund Removal Program during this period went to two facilities in region IV—Emelle in Alabama and GSX in South Carolina.

These two facilities are obviously receiving a disproportionate amount of the Nation's hazardous waste. For the record, EPA Region IV is comprised of eight States—Alabama, Georgia, Florida, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee. Consequently, if only two facilities in region IV received 57 percent of all the hazardous waste nationwide processed through the Superfund Removal Program, it simply means that hazardous waste has been coming from great distances to be disposed of in region IV.

Mr. President, I say that it is not fair that two facilities in region IV should bear the brunt of actions of generations of consuming Americans. We have all benefited from various industrial processes—the byproducts of which are polluting our water, contaminating our soil, and poisoning our air.

It is even more unfair that a few facilities should receive such large amounts of hazardous waste when you consider that many of the exporting States are not in compliance with the 1986 Superfund law. This Federal law requires each State to assure that it has sufficient disposal capacity for its hazardous waste for 20 years. If a State fails to meet the capacity assurance requirements, EPA is to withhold all Superfund cleanup money from the State.

Clearly, the purpose of the Superfund law is to encourage States to site their own hazardous waste facilities. The law is not working, however, because EPA has failed to invoke sanctions against noncomplying States. It is my understanding that the EPA is considering drafting milder penalties for States failing to develop hazardous waste disposal facilities because the agency believes the law is too harsh. Obviously, the Superfund law is becoming a farce while States like Alabama and South Carolina continue to import other States' hazardous waste, disproportionately. Congress must do something to correct this situation.

Although I have not been as vocal on solid waste issues, I am equally concerned. As landfills across the country fill to capacity, States must find a way to handle their garbage. A recent Environmental Protection Agency [EPA] study indicates that there is a direct correlation between growth in population and growth in the amount of solid waste generated: 180 million tons of solid waste is produced annually; each individual in the U.S. produces about 4 pounds of trash daily; and by the year 2000, it is estimated that the amount of solid waste generated will increase to more than 192 million tons a year.

Presently, the U.S. disposes of most of its solid waste in landfills—only about 11 percent is recycled and approximately 13 percent is incinerated. It is increasingly difficult to find new sites for landfills because of public opposition and environmental risks associated with such landfills. Due to this not-in-my-backyard syndrome, the disposal of solid waste, which was once thought to be only a local concern, has become a national crisis.

Because of the scarcity of landfill space, many States have sought to solve their solid waste problem by shipping their waste to other States. Recent Congressional Research Service [CRS] data indicate that the following States export their garbage to other States: New Jersey exports 5,250,000 tons, New York exports 2,000,000 tons, Pennsylvania exports 1,500,000 tons, Missouri exports 1,500,000 tons, District of Columbia exports 700,000 tons, Massachusetts exports 600,000 tons, and California exports 200,000 tons.

In testimony before the Senate Environment Committee in July 1989, the National Waste Management Association reported that about 15 million tons of solid waste moved in Interstate Commerce in 1989. Forty-three States participated in Interstate Commerce of solid waste.

I am sure that you remember the 3-month journey of the New York barge during the spring of 1987 that could not find a place to unload its garbage. I think that the New York garbage barge going from port to port seeking a disposal site vividly depicts the magnitude of the problem that we are addressing.

In addition to the not-in-my-backyard attitude causing problems in the disposal of solid waste, there is yet another, even greater dilemma. Pending EPA regulations on solid waste landfills will result in substantial increases in the cost of construction and operation of such facilities and could result in the closing of many existing landfills. The closing of these facilities obviously will make a bad situation worse when you consider that approximately 70 percent of all solid waste is disposed in landfills.

The legislation that I am introducing today will be beneficial in solving the hazardous and solid waste disposal problem. The bill would require that States take responsibility for the solid and hazardous waste generated within their borders, either individually or in regional compacts by demonstrating the capacity to handle such waste for 20 years. In addition, the bill would allow States to impose differential fees on imports of hazardous and solid waste to provide economic incentives to accept waste. Finally, when a State has developed a 20-year management plan to handle its hazardous and solid waste, the State would be able to place limitations on the amount of hazardous and solid waste transported into the State for disposal purposes.

I urge all of my colleagues to support this legislation. Each State must be responsible for the waste it generates. When a State has accepted its responsibility and developed a 20-year plan to handle its waste, the State's plan must not be rendered useless because of encroachment by out-of-State waste.

My bill focuses the attention needed for the safe and effective management of hazardous and solid waste. Congress must take the initiative in resolving the Nation's waste disposal problem realistically to prevent future threats to human health and the environment.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 592

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 "Hazardous and Solid Waste Management Act of 1991".

SEC. 2. INTERSTATE TRANSPORTATION AND DISPOSAL OF HAZARDOUS WASTE.

(a) IN GENERAL.—Subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) is amended by adding at the end the following new section:

"SEC. 3021. INTERSTATE TRANSPORTATION AND TREATMENT, STORAGE, AND DISPOSAL OF HAZARDOUS WASTE.

"Any State that has entered into a contract or cooperative agreement with the President pursuant to section 104(c)(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(9)) may impose a fee on, or place limitations on the amount of, hazardous waste that is transported into the State for purposes of treatment, storage, or disposal, including—

"(1) a prohibition on the transportation into such State of all hazardous waste originating from other States;

"(2) a prohibition on particular types of hazardous waste; and

"(3) the levying of fees on hazardous waste or transporters of hazardous waste that differentiate rates or other aspects of payment on the basis of waste origin.".

"(b) TECHNICAL AMENDMENT.—The table of contents for subtitle C (contained in section 1001) is amended by adding at the end the following new item:

"Sec. 3021. Interstate transportation and treatment, storage, and disposal of hazardous waste.".

SEC. 3. INTERSTATE TRANSPORTATION AND DISPOSAL OF SOLID WASTE.

"(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND TREATMENT, STORAGE AND DISPOSAL OF SOLID WASTE.

"(a) STATE PLAN.—(1) Each State shall prepare a plan in accordance with this section for the management in the State of all solid waste generated in the State. The plan shall cover a 20-year period and shall provide that the State, either by itself or in cooperation with other States in a compact—

"(A) shall identify the amount of solid waste by waste type that is reasonably expected to be generated in the State or accepted from another State for treatment, storage, or disposal in the State during the next 20 years;

"(B) shall establish a process to assure the availability of facilities with adequate capacity to treat (through recycling or other treatment), store, or dispose of such amount of solid waste in a manner that is protective of human health and the environment; and

"(C) shall identify the volumes of waste planned to be reduced through source reduction and recycling.

"(2) The plan may include provisions for treatment, storage or disposal outside the State of solid waste generated in the State only if the State determines that the State does not have, and cannot develop within a reasonable period of time, the landfill or other capacity to handle the treatment, storage, or disposal of such waste in the State. If such out-of-State waste treatment, storage, or disposal is included in the plan, the plan shall provide for the establishment of such enforcement mechanisms as may be necessary to prevent the out-of-State treatment, storage, or disposal of waste in amounts that are in excess of the amounts provided for in the plan.

"(3) Not later than 12 months after the date of the enactment of this section, the Administrator shall promulgate regulations to carry out this section. Such regulations shall include such criteria for approval of plans as the Administrator considers necessary.

"(4) Not later than 12 months after regulations are promulgated to carry out this section, each State shall prepare a plan as required under paragraph (1) and submit such plan to the Administrator for approval.

"(b) APPROVAL OF PLAN.—Upon receipt of a plan from a State under subsection (a), the Administrator shall evaluate the plan and shall approve or disapprove the plan.

"(c) PROHIBITION ON ACTIONS NOT IN ACCORDANCE WITH PLAN.—Upon approval of a plan for a State, treatment, storage, or disposal of solid waste in the State in a manner other than in accordance with the approved plan is prohibited.

"(d) STATE PERMITS.—Upon approval of a plan for a State, the State shall establish a permit program under which the State shall issue permits to facilities in the State that comply with all applicable requirements of the approved plan (including protection of human health and the environment) and with all applicable requirements of State law. After the establishment of such a permit program in a State, the transportation of solid waste for treatment (including recycling and incineration), storage, or disposal, or arranging for such transportation, treatment, storage, or disposal, at any facility that has not been issued a permit is prohibited.

"(e) STATE AUTHORITY TO RESTRICT ACCEPTANCE OF SOLID WASTE ORIGINATING IN OTHER STATES.—(1) Subject to paragraph (2), any State that has an approved plan under this section may impose a fee on, or place limitations on the amount of, solid waste that is transported into the State for purposes of treatment, storage, or disposal, including—

"(A) a prohibition on the transportation into such State of all solid waste originating from other States;

"(B) a prohibition on certain types of waste, such as medical waste; and

"(C) the levying of fees on solid waste or transporters of solid waste that differentiate rates or other aspects of payment on the basis of waste origin.

"(2) The authority under paragraph (1) may be used only if the plan of the State justifies the imposition of such a limitation or prohibition on the basis of lack of capacity in such State to handle the treatment, storage, or disposal of solid waste generated in such State.

"(f) RECORDKEEPING REQUIREMENTS.—(1) Any person who transports any quantity of solid waste in excess of 100 pounds from one State to another State for purposes of treatment, storage, or disposal in the other State shall register with both the Administrator and with the State in which the solid waste will be treated, stored, or disposed of.

"(2) Each shipment of waste described in paragraph (1) may be transported only to a facility with a permit under a State permit program established under subsection (d).

"(3) Each shipment of waste described in paragraph (1) shall be accompanied by a manifest form. At a minimum, the manifest form shall include the following information:

"(A) The name and address of the transporter.

"(B) The name and address of the generator of the waste being transported.

"(C) A description of the type of solid waste being transported.

"(D) The quantity of waste being transported, including the number and type of containers.

"(E) The name and address of the facility designated to receive the waste.

"(F) Such other information as the Administrator or the State may require by regulation.

"(4) The manifest form shall be kept at the facility at which the solid waste is received. Such forms shall be available for inspection pursuant to subsection (g).

"(g) AUTHORITY TO INSPECT.—(1) For purposes of enforcing the provisions of this section, any person who generates, transports, treats, stores, disposes of, or otherwise handles solid waste shall, upon request of any officer, employee or representative of the Environmental Protection Agency or of a State—

"(A) furnish information relating to such waste; and

"(B) permit such officer, employee, or representative to have access to, and to copy, all records of such person relating to such waste.

"(2) For purposes of implementing the authority of this subsection, such officers, employees, and representatives may enter at reasonable times any establishment or other place where solid waste is or may have been treated, stored, disposed of, or otherwise handled and to inspect and obtain samples from any person of any such waste or of any container or label for such waste.

"(h) ENFORCEMENT.—A State that fails to submit a plan under subsection (a), or fails to have such plan approved by the Administrator, shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation. Each day such a violation continues shall constitute a separate violation.

"(i) SUBTITLE C HAZARDOUS WASTE.—Nothing in this section shall apply to any hazardous waste subject to the provisions of subtitle C of this Act.".

(b) TECHNICAL AMENDMENT.—Section 1001 of the Solid Waste Disposal Act is amended in the table of contents by inserting after the item relating to section 2008 the following new item:

"Sec. 4010. Interstate transportation and treatment, storage, and disposal of solid waste.". •

Mr. HOLLINGS Mr. President, today I join with my distinguished friend from Alabama, Senator SHELBY, and my colleague from South Carolina, Senator THURMOND, in introducing the Hazardous and Solid Waste Manage-

ment Act of 1991. This legislation, Mr. President, will give States the authority they need to address in a responsible manner their hazardous waste and solid waste problems.

Mr. President, we took a first stab at addressing the problem of hazardous waste management with passage of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This law required each State to submit and gain approval for a capacity assurance plan with regard to its hazardous waste. These plans were to demonstrate each State's ability to adequately treat and dispose of all hazardous waste generated within its borders over a 20-year period. States could enter into agreements with other States. An enforcement provision was included in the law which allowed EPA to cut off Superfund money to States which failed to submit a capacity assurance plan.

On paper, this law appeared to have teeth because States surely would not risk losing funds for hazardous waste cleanup by refusing to provide a capacity assurance plan. However, Mr. President, a law is only as strong as its enforcement, and EPA has refused to enforce Federal law by means of terminating Superfund grants to delinquent States.

Complying States have tried to address this issue at the State level by refusing to receive hazardous waste from noncomplying States. The Federal courts, however, have ruled that this is in violation of the Interstate Commerce clause. Basically, what is happening, Mr. President, is that on the one hand, EPA refuses to do its job, and on the other hand, the Federal courts will not allow individual States to do the job that EPA should be doing. This bill addresses this catch-22 bind in which complying States find themselves.

The management of nonhazardous solid waste likewise is a difficult problem facing most States today. Again most States are making a good faith effort to address this problem responsibly, while other States have responded by shipping their solid waste to other States. Out of sight, out of mind.

We must do better than this haphazard, inefficient, inconsistent approach to the problem of waste management. The legislation we are introducing today, requires States to take responsibility for the hazardous and solid waste generated within their borders. They may tackle the problem individually or by forming federally recognized regional compacts. Each State or regional compact must demonstrate a capacity to handle its waste for 20 years. Once a State has an approved 20-year plan, then it will be legally entitled to place limitations and/or fees on hazardous and solid waste transported into the State.

Mr. President, this bill accomplishes three things. First, it requires, once again, that every State address its waste problems. Since EPA has refused to enforce current law, many States just haven't gotten serious about developing management plans. Second, the fee structure, which allows complying States to charge noncomplying States for the treatment, handling, or disposal of the latter's waste, adds a means of enforcement less severe than cutting off Superfund money, but nonetheless strong enough to ensure compliance. Most importantly, this bill allows the complying State which has acted responsibly to refuse to be taken advantage of by States that refuse to do their part.

Mr. President, in closing, let me say that South Carolina and Alabama have borne more than their fair share of the burden in dealing with hazardous waste. Of the waste that has been disposed of nationwide 57 percent as a result of the Superfund waste removal program ended up in our two States, largely because EPA has refused to force other States to comply. It is EPA's view that cutting off Superfund money would be detrimental to the environment. Well, Mr. President, just as detrimental to the environment are the tons of waste being transported great distances on our highways and railways with the ongoing risks of accident.

It is high time for States to begin to address hazardous and solid waste in a serious, responsible fashion. This bill will require them to do just that.

Mr. DOLE submitted the following statement on behalf of Mr. THURMOND:

• Mr. THURMOND. Mr. President, I am pleased to join today as an original cosponsor of the Hazardous and Solid Waste Management Act of 1991. This legislation is extremely important to the citizens of every State in this great Nation. The time has come to make a responsible decision concerning the treatment, storage, and disposal of solid and hazardous waste. Waste management is becoming an enormous burden throughout this country and the legislation before us today will take the first necessary step toward solving this problem.

Mr. President, one of the most difficult problems encountered by States which have hazardous waste disposal facilities, such as my home State of South Carolina, is the lack of control over the importation of waste generated by States which have no facilities or plans for their own waste management. It simply does not make sense to expect other States or regions to become the dumping ground for those who choose not to take responsibility for the waste they generate. This problem will not go away or take care of itself, but will surely grow as the amount of waste grows. In 1989, South Carolina and Alabama received more than 57 percent of all hazardous waste processed through the Superfund removal program. It is unreasonable to expect two States to carry such a large burden.

With regard to hazardous waste, current law provides that States may enter into agreements with other States and form regional agreements for the purpose of treatment, storage, and disposal of such waste. The law further requires all States to provide assurances to the Environmental Protection Agency that they have adequate capacity to manage hazardous waste generated in their States over the next 20 years. If States do not comply with the terms of the Superfund laws, the Environmental Protection Agency is required to withhold all Superfund money from such States. This complete cut off of funds is the only remedy available today.

This bill strengthens current law by authorizing States, which have complied with the Superfund law requirements, to impose restrictions involving waste that is transported into the State for treatment, storage, or disposal including: First a prohibition on the transportation into such State of all hazardous waste originating from other States; second, a prohibition on particular types of waste; and third, the levying of fees on hazardous waste or transporters of hazardous waste that differentiate rates or other aspects of payments on the basis of waste origin. This enforcement mechanism would be a valuable tool to States in dealing with hazardous waste and is not as drastic a remedy as the current complete cut off of funding.

This bill also provides for a new program for dealing with solid waste which is the same as the current hazardous waste program and also includes the new authority to deny access or charge fees for waste from noncomplying States. This will be a great step forward in solving the growing problem of solid waste and overflowing landfills.

Mr. President, I urge my colleagues to support this important measure.•

By Mr. CHAFEE (for himself, Mr. MOYNIHAN, Mr. AKAKA, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, Mr. METZENBAUM, Mr. PELL, and Mr. WIRTH):

S. 593. A bill to amend title 23, United States Code, to control billboard advertising adjacent to Interstate Federal-aid primary highways, and for other purposes; to the Committee on Environment and Public Works.

VISUAL POLLUTION CONTROL ACT

Mr. CHAFEE. Mr. President, today I am introducing the Visual Pollution Control Act of 1991. Mind you, visual pollution control—what are we talking about? We are talking billboards. That is what we are talking about. We are

trying to control billboards. Joining me in introducing this legislation, which would help control billboards, are Senators MOYNIHAN, AKAKA, BENTSEN, COHEN, INOUYE, JEFFORDS, LEAHY, METZENBAUM, PELL, and WIRTH. We have room for more sponsors.

This legislation accomplishes two major goals. First, it returns control over existing billboards to States and to localities. That is where the control belongs. States and localities have always regulated and removed billboards and other nonconforming users. They have done this through land use laws derived from their constitutional police power. This authority has been repeatedly upheld by Federal and State courts.

In 1978, the federally imposed requirement for cash compensation as a Federal aid highway grant condition stymied billboard removal efforts by hundreds of localities. That is a long phrase, Mr. President. What does it mean? It means that in 1978 we in the Congress, in connection with the highway bill, imposed the requirement that for the localities to remove a billboard they had to pay cash. They could not remove it in connection with their police powers. "They" being the States and localities. They could not say to a billboard company, "You invested $10,000 in this billboard. You are going to get a return of $1,000 a month. So, therefore, at the end of 10 or 11 months you have amortized your cost, and down comes the billboard; we have a right to take it down at the end of that time." That is a police power that is recognized by the courts that the States and localities had.

However, the Federal Government, through the highway bill, took it away. We said to the locality, you cannot take a billboard down unless you pay cash for it to the billboard company. The trouble was the Federal Government, through the highway bill, did not put up any cash to take these billboards down. Although we had promised to pay 75 percent of the cost, we did not appropriate the money, and the local communities did not have the cash to pay for it. So the result is that no billboards were taken down.

What my legislation does, on which I have had the splendid support of those Senators that I listed—by the way, we will bring this up in connection with the highway bill—this legislation would permit the States and localities to make a decision. They can provide cash contribution compensation if they wish. They can remove nonconforming billboards through the use of amortization, which I just described. Or they can choose, if they so choose, to leave existing nonconforming billboards standing. They can leave them there with no threat of a Federal penalty.

The second major feature of this legislation is a moratorium on new billboards along interstate or primary highways. The original intent, Mr. President, of the Highway Beautification Act was to reduce the number of billboards along the interstate and primary systems and particularly to maintain the scenic beauty along the Interstate System which was just being commenced at the time this billboard beautification legislation passed. I think we all remember that this was a special concern of Mrs. Lyndon Johnson.

Unfortunately, as I previously mentioned, subsequent amendments and changes in the interpretation of the billboard law created loopholes which permitted a growing number of billboards along our interstate and primary highways.

Along with the moratorium that is provided in this legislation, States and localities are asked to update an accurate inventory of billboards. It is important to know what is there in order to provide effective regulation. It is difficult to find good data on how many billboards there are now, but there is evidence that the numbers are increasing.

The Highway Beautification Act in its current form is not carrying out its original intent to regulate the number of billboards. The General Accounting Office, in review of the program entitled "The Outdoor Advertising Control Program Needs To Be Reassessed," found that new billboards are going up at a much faster rate than nonconforming billboards are being removed. For example, they found, in 1983, 2,235 nonconforming billboards came down. At the same time 13,000 new ones were erected. That is a losing race if I have ever seen one, 13,000 up, 2,000 down.

Similarly, the Congressional Research Service, in January of this year, in a report to Congress, found that while no accurate inventory exists as to the total number of billboards available, data from the Federal Highway Administration shows a growth rate, or an increase in the number of conforming and nonconforming so-called grandfather billboards, of 241,000 signs in 1985, and it went up to 256,000 in 1986, in that report that came in January of this year.

The bill prohibits the cutting of trees or vegetation along interstate and primary highway rights-of-way solely to make billboards visible.

Many States do extensive landscaping along interstate and primary highways. Valuable trees and vegetation paid for by taxpayer dollars have been cut down for the sole purpose of making billboards more visible.

How is that for ridiculousness? With one hand we pay to beautify our highways with vegetation, trees, and growth, and then we let the billboard owner come along and cut it down.

We have tried to change that in the legislation that President Bush and Secretary Skinner have submitted to us.

I am very pleased that in the House of Representatives, similar regulation is going to be introduced. I have some accompanying materials to go with my statement: The text of the bill, a section-by-section analysis, a list of the organizations supporting it, a congressional research study, and report to Congress dated in January of this year, a GAO review of amortization case law, the Department of Transportation general counsel opinion, and a digest of the GAO report that the outdoor advertising and control program needs to be reassessed.

Mr. President, in conclusion, I will read off the list of organizations that are supporting this. I might say to my colleagues, and all who might be watching and listening, that what this legislation tries to do is give Americans who pay for their highways, and travel on them with their families—and I am talking about the interstate and the primary roads—the chance to see the beauties that are out there, a chance to see what is best about America, scenically, and not have their views obstructed by these massive billboards that really are, as the title of the legislation indicates, visual pollution.

So I will touch on some of the organizations: Scenic America, U.S. Conference of Mayors, American Institute of Architects. These are organizations that are supporting this legislation. The Sierra Club, Isaac Walton League of America—obviously a group dealing with fishermen and their interests—American Farmland Trust, American Rivers, American Forestry Association, Defenders of Wildlife, Friends of the Earth, American Society of Landscape Architects, Environmental Defense Fund, Preservation Action, American Hiking Society, Bicycle Federation of America, National Parks and Conservation Association, National League of Cities, Garden Clubs of America, Worldwide Life Fund, Land Trust Alliance, American Planning Association, National Association of Railroad Passengers—they want to see beauty, too—League of California Cities, Natural Resources Defense Council, Wilderness Society, Clean Water Action, League of American Wheelmen, Federation of Western Outdoor Clubs, Environmental Action, National Recreation Parks Association, One Thousand Friends of Oregon, Michigan United Conservation Clubs, National Audubon Society, just a few.

Mr. President, it is our hope that we can work on this legislation in connection with the highway bill that will be considered by the committee, which I have the privilege of serving on, one of the committees of the Environment and Public Works Committee. We will be reporting a bill out of that committee shortly after the August recess, and

I have high hopes that this fine legislation can be enacted.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD following my statement:

The text of the bill;

A section-by-section analysis and summary of the bill;

A list of the organizations supporting the bill;

The CRS report for Congress dated January 28, 1991;

The GAO review of amortization case law;

The DOT General Counsel opinion; and

The Digest of the GAO reports, "The Outdoor Advertising Control Program Needs To Be Reassessed."

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

S. 593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Visual Pollution Control Act of 1991".

SEC. 2. (a) Section 131 of title 23, United States Code, is amended as follows—

(1) in subsection (b)

(A) by striking "shall be reduced" and inserting in lieu thereof "may be reduced"; and

(B) by striking the words "equal to 10" in the second to last sentence, by inserting in lieu thereof "up to 5", and by striking the last sentence;

(2) in subsection (c)

(A) by striking "(c)" and inserting in lieu thereof "(c)(1)" and redesignating clauses 1 through 5 as clauses A through E;

(B) by inserting at the end thereof the following new paragraphs—

"(2) As part of effective control, each State shall maintain an annual inventory of all outdoor advertising signs, displays, and devices required to be controlled pursuant to this section. Such inventory shall identify all such signs as either illegal, nonconforming, or conforming under State law.

"(3) As part of effective control, each State shall assure that signs, displays, and devices required to be removed by this section shall be removed within ninety days of (A) the date upon which they become unlawful or if not unlawful the date upon which they must be removed pursuant to State or local law, or (B, if eligible to receive cash compensation pursuant to this section or to be amortized, the date upon which cash compensation is paid, or the State or local amortization period ends.

"(4) As part of effective control, no State may allow or undertake any vegetation removal or other alteration of the highway right-of-way with the purpose of improving the visibility of any outdoor advertising sign, display or device located outside of the right-of-way.

"(5) As part of effective control, no State may permit any person to modify any outdoor advertising sign, display, or device which does not conform to subsection (c) or (d) of this section to improve its visibility or to prolong its useful life.".

(3) in subsection (d), by inserting in lieu thereof "(d)(1)", and by adding at the end of the subsection the following:

"(2) After October 1, 1991, no new signs, displays or devices may be erected under the authority of this subsection. Any sign, display or device lawfully erected under State law after October 1, 1991, and prior to the effective date of this section shall be treated as nonconforming.";

(4) in subsection (e) by amending subsection (e) as follows:

"(e) The Secretary shall not require a State to remove any lawfully erected sign, display, or device which does not conform to this section and is lawfully in existence on the date which this section becomes effective. Nothing in this subsection shall prevent a State from removing any sign, display or device.";

(5) in subsection (g) by amending subsection (g) to read as follows:

"(g)(1) The Secretary may participate in the costs incurred by the State for the following:

"(A) physically removing signs, displays, or devices that are located in areas required to be effectively controlled by this section and are illegal under State law or that are required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law.

"(B) Acquiring signs, displays, or devices that are required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law; and

"(2) Payments made to a State by the Secretary may be made for the removal or acquisition of signs, displays, and devices located in areas adjacent to the Federal-aid primary system and the Interstate System from funds apportioned to such State under section 104(b)(1) and 104(b)(5) of this title. For the removal or acquisition of signs, displays, or devices, the Federal share of any costs participated in under this subsection shall not exceed that set forth in section 120(a) for those adjacent to the Federal-aid primary system and that set forth in section 120(c) for those adjacent to the Interstate System.

"(3) After September 30, 1991, a State may use to carry out this section in any fiscal year not to exceed 3 per centum of funds apportioned in such fiscal year to such State for the Federal-aid Interstate and Primary System.

"(4) A sign, display, or device acquired with funds made available pursuant to this section may be disposed of by sale or other means to a private party only if the State receives satisfactory written assurances that the material will not be used to construct or reconstruct an outdoor advertising sign, display, or device.";

(6) in subsection (b) by striking "(h)", by inserting in lieu thereof "(h)(1)", and by adding at the end the following new paragraph:

"(2) No outdoor advertising sign, display, or device shall be permitted by any Federal agency on all public lands or reservations, excluding Indian lands and reservations, owned or controlled by the United States, unless such sign, display, or device conforms to regulations issued by the Federal agency with jurisdiction over, or responsibility for, such land. Such regulations shall be at least as stringent as the requirements of this section and the requirements of the State in which the land is located. The regulations required by this subsection shall be developed in consultation with the Secretary of Transportation and shall be promulgated within twelve months of the effective date of this Act.";

(7) in subsection (k) by striking the words "Subject to compliance with subsection (g) of this section for the payments of just compensation, nothing" and inserting in place thereof the word "Nothing"; and

(8) by repealing subsections (n) and (p).

(b) On a date no later than one year from the date of enactment of this Act, the Department of Transportation shall promulgate uniform national regulations to implement all sections of this Act.

(c) The amendments made by this section shall be effective upon the date of enactment of this Act: *Provided,* That any amendment which a State cannot implement without legislation shall be effective upon the date of enactment of this Act or the end of the first regular legislative session in such State which is commenced after the date of enactment of this section, whichever is later.

SUMMARY OF PROVISIONS: "VISUAL POLLUTION CONTROL ACT OF 1991"

1. Restores to the States and localities the ability to use either cash or amortization in compensating the billboards which are removed. Permits States to decide whether to remove nonconforming billboards by paying cash or using amortization, or not to remove the billboards.

2. Places a moratorium on the construction of new billboards along the Interstate and Primary Highway Systems.

3. Permits States and localities to use up to three percent of their regular Federal-aid highway Interstate and Primary System apportionments for providing the Federal share of cash payments for the removal of nonconforming billboards.

4. Prohibits the cutting of trees and vegetation on Interstate and Primary highway rights-of-way solely to improve the visibility of billboards.

5. Changes the mandatory 10 percent penalty to a discretionary 0-5 percent penalty for noncompliance with the Highway Beautification Act.

6. Asks that each State have an accurate inventory of billboards along the Interstate and Primary Systems.

7. Requires the removal of illegal signs and compensated nonconforming signs within 90 days of identification or compensation.

8. Prevents the reuse of billboards for which a State or locality has paid cash to remove, or which were removed because they are illegal.

9. Prevents the owners of illegal or nonconforming billboards to make improvements which extend the billboards' useful life or increase their value.

10. Clarifies the requirement of Federal land owning or land controlling agencies to issue proper control regulation for billboards.

SECTION-BY-SECTION ANALYSIS: "VISUAL POLLUTION CONTROL ACT OF 1991"

Section 1 is the short title of the bill.

Section 2 amends section 131 of title 23 as follows:

(a)(1) amends section 131(b) by making the penalty sanction discretionary rather than mandatory and reduces it from 10 percent to a maximum of 5 percent.

(a)(2) creates four new subsections as follows: New subsection 131(c)(2) requires that each State has an accurate inventory of billboards along Interstate and Primary highways. The inventory must promptly identify unlawful signs for removal, and identify each sign as either illegal, nonconforming, or conforming under State law.

New section 131(c)(3) requires States to remove signs (A) within ninety days after the State law allows their removal, or (B) if eligible for compensation or allowed to remain

for a period of amortization, the date on which cash compensation is paid, or the amortization period ends.

New subsection 131(c)(4) requires as part of effective control that the States do not undertake or allow any vegetation clearance or alteration of the highway right-of-way for the purpose of improving visibility of outdoor advertising signs outside the right-of-way.

New subsection 131(c)(5) requires the States to prohibit any modification of nonconforming signs that would extend the useful life of such a sign or improve its visibility.

(a)(3) creates new subsection 131(d)(2) which requires that after October 1, 1991, no new signs, displays and devices may be erected in the zoned and unzoned industrial and commercial areas subject to control by agreement under section 131 (a)(1). Any signs lawfully erected under State law after the date shall be treated as nonconforming.

(a)(4) amends section 131(e) and permits States to remove nonconforming signs but does not require them to do so.

(a)(5) creates a new subsection 131(g)(1) which provides that federal funds may be used to reimburse costs incurred by the State (a) for physically removing illegal signs, displays or devices, and for signs required by this section to be removed although they were lawfully erected and maintained under State law, and (B) for acquiring signs, displays and devices required by this section to be removed and that were lawfully erected and have been lawfully maintained under State law. This subsection authorizes participation of Federal funds in the costs of removing illegal and other prohibited signs and permits participation in costs of sign acquisition.

New subsection 131(g)(2) provides that the source of funding for the payments authorized by 131(g)(1) is section 104(b)(1) and (b)(5) of this chapter. This would allow States to use their Federal-aid Interstate and Primary highway funds, subject to the limitations imposed by sections 120(a) and 120(c), in addition to funds appropriated under section 131.

New subsection 131(g)(3) permits States to use up to three percent each year of their Federal-aid Interstate and Primary apportionments to carry out this section.

New subsection 131(g)(4) limit the use of salvage material from signs removed with cash compensation to prevent re-erection.

(a)(6) amends section 131(h) by clarifying the responsibility for control of outdoor advertising in accordance with this section on all public lands or reservations owned or controlled by the United States, excluding Indian lands and reservations. The control responsibility shall be with the Federal agency having jurisdiction over such lands or reservations. It requires the respective Federal agencies to promulgate regulations implementing this section which are as restrictive as this section and of the State in which the land is located. The regulations are to be developed in consultation with the Secretary and shall be promulgated within 12 months of the effective date of this Act.

(a)(7) amends section 131(g) to restore the choice to the State of providing just compensation either through cash compensation or amortization.

(a)(8) repeals subsections (n) and (p) which are no longer needed.

Subsection (b) requires the Department of Transportation to promulgate uniform regulations to implement this Act no later than one year from the date of enactment.

Subsection (c) provides that the effective date of these amendments shall be the date of enactment of this Act, except where a State cannot implement an amendment without legislation, the effective date will be the date of this Act or the end of the first regular legislative session in the State which begins after the date of this Act, whichever is later.

ORGANIZATIONS WHICH ENDORSE THE VISUAL POLLUTION CONTROL ACT

Scenic America.
National Wildlife Federation.
U.S. Conference of Mayors.
American Institute of Architects.
Action on Smoking and Health.
Center for Science in the Public Interest.
Sierra Club.
Izaak Walton League of America.
American Farmland Trust.
American Rivers.
American Forestry Association.
Defenders of Wildlife.
Friends of the Earth.
American Society of Landscape Architects.
Environmental Defense Fund.
Preservation Action.
American Hiking Society.
Bicycle Federation of America.
National Parks and Conservation Association.
National Conference of State Historic Preservation Officers.
National League of Cities.
The Garden Club of America.
Rails to Trails Conservancy.
Renew America.
World Wildlife Fund/The Conservation Foundation.
Land Trust Alliance.
American Planning Association.
National Association of Railroad Passengers.
Human Environment Center.
League of California Cities.
Natural Resources Defense Council.
National People's Action.
The Wilderness Society.
Clean Water Action.
National Trust for Historic Preservation.
League of American Wheelman.
Federation of Western Outdoor Clubs.
Environmental Action.
National Recreation and Park Association.
National Council of State Garden Clubs.
Southern Environmental Law Center.
1000 Friends of Oregon.
Michigan United Conservation Clubs.
National Audubon Society.

[CRS Reports for Congress Jan. 28, 1991]

BILLBOARDS ALONG INTERSTATE AND FEDERAL-AID PRIMARY HIGHWAYS: WHY NO RELIABLE ESTIMATES OF THEIR NUMBER EXIST

(By Bruce K. Mulock, Specialist in Business/Government Relations, Economics Division)

SUMMARY

This report examines the question of how many billboards currently exist alongside the Nation's major highways. More specifically, this report discusses the data limitations and other problems associated with developing an estimate of the current number of billsboards situated in proximity to Interstate and Federal-aid Primary Highways.

Notwithstanding data limitations and other problems, however, information from the Federal Highway Administration—coupled with the judgments of knowledgeable industry source—suggest that an estimate of roughly 425,000 to 450,000 billboards may be reasonable.

BACKGROUND

For the sake of clarity, it may be helpful to define several industry terms. Billboards are a part of what has historically been termed "outdoor advertising."[1] The outdoor industry has three principal categories of structures: poster panels, painted bulletins, and one-of-a-kind spectaculars. "Posters" are what most people think of when they talk about a typical highway billboard. Posters come in several sizes. The standard size is about 300 square feet or approximately 12'×24'.[2] "Printed bulletins" are considerably larger, measuring 642 square feet or approximately 14' by 48'. So such signs are individually designed and painted. Signs in the third category are called "Spectaculars." Spectaculars are custom-built displays. They are typically much larger than painted bulletins and they often use extensive lighting and intricate designs.

ESTIMATED NUMBER OF BILLBOARDS

How many billboards are there in the United States on the country's Interstate and Federal-aid primary highways? Neither industry nor government data provide a reliable answer to this question. In the private sector, data collection associated with the outdoor advertising industry is fragmented, and the types of data collected are for purposes unrelated to answering this question; thus, such data are generally not helpful in developing a reliable estimate. Similarly, statistics developed by the 50 States and compiled by the Federal Government do not address the question. As a result, it appears that no accurate inventory exists as to the total universe of billboards in the United States or to the number of billboards on any particular type of highway.

The problems of data collection within the industry are, perhaps, best illustrated by examining the operations of the Traffic Audit Bureau for Media Measurement (TAB), the principal firm in the United States which verifies circulation figures for companies that pay to advertise on billboards.[3] TAB, by its own estimates, audits 60 to 65 percent of bulletins in major markets. Overall, it has data on some 210,000 posters and 50,000 painted bulletins. The data, however, is categorized in terms of "poster or bulletin" and "illuminated or not illuminated." They have no reason to collect and, therefore, do not collect data which would indicate the kinds of highways (e.g., interstate, primary Federal-aid) on which the signs are located. A spokesman for TAB said that such data exists only to the extent that in some markets some people could look at TAB's records and say, for example, that a particular sign is located on Highway 21, which is a Federal-aid highway.

Aggregate national figures concerning billboards are compiled by the Federal Highway

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[1] Increasingly in recent years, outdoor advertising has come to be viewed as part of a more comprehensive segment of the advertising industry termed "out-of-home media." In addition to the kinds of structures listed above, out-of-home media includes such things as freestanding displays in shopping malls and ads on trash containers as well as a host of transit-associated advertising.

[2] There are also several (considerably) smaller-size posters available in some markets, but they are most often used for pedestrian traffic or secondary roads.

[3] The current TAB is a restructured organization resulting from the merging in early 1990 of the Traffic Audit Bureau and the Out-of-Home Measurement Bureau. Prior to the merger, TAB was for many years the industry auditing service for the so-called big boards; the Out-of-Home Measurement Bureau, an auditing service of more recent origin, focused on the smaller "8-sheet boards."

Administration (FHWA), based on numbers reported by the 50 States (as well as the District of Columbia and Puerto Rico). The interests of the State highway departments and FHWA in billboard-related data, however, is strictly limited: fulfilling their responsibilities as mandated by the Highway Beautification Act. Under the Act, they are only required to maintain statistics on "nonconforming" and "illegal" signs. Determining the number of signs that conform with the Act (as well as the number of "grandfathered nonconforming signs") is not part of their regular data collection process.

Further, it must be noted that the quality of the data FHWA does collect is, according to several sources, suspect. The General Accounting Office (GAO), for one, expressed concerns about the agency's data. In a 1985 report on the effectiveness of the outdoor advertising control program, GAO said it "relied on these FHWA data because they are the only available comprehensive figures on the status of outdoor advertising control. As previously mentioned, however, we are concerned about the reliability of FHWA data. . . "[4]

To reiterate, no conclusive figure exists as to the total number of billboards on Interstate and Federal-aid primary highways; nevertheless, available data from FHWA—coupled with the judgments of knowledgeable industry sources—supports an estimate that there are a minimum of 425,000 to 450,000 such signs. Table 1 shows the number of signs by various categories for selected years from 1966 through 1988. Assuming the number of "Conforming & NC Grand" (i.e., "conforming" and "non-conforming grandfather") increased during 1987 and 1988 at the same rate (6.18 percent) that is did between 1985 and 1986 (the last two years for which data was collected in this category), the figure for 1988 would be 289,227. When this figure is added to the 138,011 in the "Nonconforming to be removed" and "Illegal" categories, the estimated total number of signs for 1988 would be 427,238.

TABLE 1.—CONFORMING, NONCONFORMING AND ILLEGAL SIGNS

Fiscal year	Conforming and nonconforming grandfathered	Nonconforming to be removed	Illegal	Nonconforming to be removed and illegal	Total
	(a)	(b)	(c)	(b and c)	(d)
1966	260,659	.....	.....	839,361	1,100,020
1979	.....	186,720	92,839	279,579	.....
1980	195,873	149,825	64,509	[214,334	410,207
1981	.....	138,122	54,330	192,452	.....
1982	.....	128,558	50,032	178,590	.....
1983	.....	123,827	47,752	171,579	.....
1984	.....	120,636	47,204	167,840	.....
1985	241,608	115,488	43,753	159,241	400,849
1986	256,539	109,183	36,340	145,523	402,062
1987	[1] 272,393	104,984	33,431	138,415	[1] 410,808
1988	[1] 289,227	104,674	33,337	138,011	[1] 427,238

[1] Projected estimates based on an assumed growth of 6.18 percent for 1987 and 1988 in number of "Conforming & NC Grand" signs. The 6.18 percent change represents the increase in the number of "Conforming & NC Grand" signs from 1985 to 1986 (1986 being the most recent year for which data is available). The projected figures for 1987 and 1988 assume that the rates of increase for those years held constant at 6.18 percent. Also note:

Conforming and Nonconforming Grandfathered Signs are not subject to removal;

Nonconforming Grandfathered Signs are subject to the maintenance and continuance rules for conforming signs;

Nonconforming Signs are subject to removal with payment of just compensation;

Illegal Signs are subject to removal without payment of just compensation.

Source: Federal Highway Administration and CRS.

[4] U.S. General Accounting Office. The Outdoor Advertising Control Program Needs to Be Reassessed. Report to the Congress by the Comptroller General of the United States. GAO/RCED-85-34, January 3, 1985, p. 14.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, February 6, 1991.

Hon. JOHN H. CHAFEE,
U.S. Senate.

DEAR SENATOR CHAFEE: This is in response to your letter of March 5, 1990, requesting that the General Accounting Office (GAO) review and analyze existing case law with regard to the constitutionality of the use of amortization in the removal of billboards. Amortization in this context is the permission for continued use of a billboard for a specified period of time in lieu of monetary compensation for the immediate removal of the billboard. As a result of meetings with your staff, it was agreed that GAO would (1) review the existing case law to determine if a majority of the cases hold that amortization in the removal of billboards is constitutional; (2) indicate timeframes that courts have determined to be constitutional; (3) provide a representative list of citations for the cases; and (4) review some cases involving the amortization of other nonconforming uses.

Our review indicates that a vast majority of the cases hold that billboard amortization is a reasonable exercise of the police power of a state and not violative of the constitution. Our analysis of the issues raised by the various cases is set forth in Enclosure I. Enclosure II contains a representative listing of those federal and state cases and includes for each the length of the amortization period involved. Enclosure III contains a list of cases where amortization was held constitutional for other nonconforming uses, together with the nature of the respective nonconforming use.

We hope that these comments are useful to you. In accordance with our usual procedures, this opinion will be available to the public 30 days from its date.

Sincerely yours,

MILTON J. SOCOLAR,
Acting Comptroller General of the United States.

ENCLOSURE I

ANALYSIS OF BILLBOARD AMORTIZATION CASE LAW

STATEMENT OF ISSUES

The question presented is whether a majority of the courts have found amortization to be just compensation for a taking within the meaning of the constitution. The fifth amendment of the U.S. Constitution provides in part that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." The fourteenth amendment applied this restriction to the states when it provided "nor shall any state deprive any person of life, liberty, or property, without due process of law." Just compensation is measured by the value of the interest taken from the owner.

Our review disclosed that a majority of federal and state billboard amortization cases have held the amortization process to be constitutional. For example, the Fourth Circuit Court of Appeals stated in 1988: "A majority of courts that have considered amortization periods of various lengths have approved them as a means of enabling an owner to recoup or minimize his loss." *Naegele Outdoor Advertising, Inc. v. City of Durham*, 844 F.2d 172 at 177 (4th Cir. 1988).

Our analysis of the billboard amortization cases indicated that the appellate courts believe that two constitutional principles must be considered.[1] One principle, which is now well established, is that under the police power of the state, the use of private property may be reasonably regulated and restricted through the use of zoning as long as the regulation and restriction bears a substantial relationship to the public good or general welfare of the community. *Village of Euclid v. Ambler Reality Co.*, 272 U.S. 365 (1926).[2] A second principle is the protection explicitly afforded by the fifth amendment of the U.S. Constitution, as applied to the states under the fourteenth amendment, that a person shall not be deprived of property rights without due process of law and payment of just compensation. *See Chicago, Burlington and Quincy Railroad Co. v. Chicago*, 166 U.S. 226 (1897).

Amortization has been accepted by most courts as a form of compensation when private property is taken by a governmental entity for the public good. Under the amortization concept, no money is paid. Instead, it is a procedure under which a billboard owner is put on notice by an ordinance that he has a specified time period in which to remove his sign. The sign is considered nonconforming at the end of the prescribed time period and may be removed without monetary reimbursement to the owner. *Art Neon Co. v. City and County of Denver*, 488 F.2d 118 (10th Cir. 1973), *cert. denied* 417 U.S. 932 (1974).

Billboard owners claim that the affected property interest is the loss of the land's value because it has no other commercial use, or the value of the sign itself because it is economically impractical to move it. Therefore, judicial review occurs when they challenge the constitutionality of the zoning ordinance which they believe is "taking" their property without payment of monetary compensation.

STANDARD OF REVIEW

A majority of the cases that we reviewed hold that zoning provisions which utilize amortization to eliminate nonconforming uses are not facially unconstitutional as long as they represent a valid exercise of police power *and* are reasonable as applied to the specific facts of the case. In other words, not only must the ordinance requiring the termination of a nonconforming use by reasonably in furtherance of public health, safety, or welfare, it must also be reasonable as applied to the particular property owner, *i.e.*, long enough to allow the sign owner to recoup his investment, thereby constituting an alternative to paying monetary compensation for the sign's removal.

The cases that we reviewed discussed the need for a range of factual inquiries in an effort to strike a balance between the fifth amendment's protection of the individual's

[1] Some of the cases also addressed first amendment free speech constitutional challenges. However, since a plurality of the court in *Metromedia, Inc. v. San Diego*, 453 U.S. 490 (1981) recognized that an ordinance prohibiting off-premise commercial billboard advertising would not have offended the first amendment if it had not preferred commercial over noncommercial advertising, ordinances that do not make that distinction are generally upheld as constitutional. Moreover, since compensation is not an issue in such first amendment challenges, we were advised that we did not need to address first amendment issues in our review.

[2] The U.S. Supreme Court ruled in *Euclid* that before the provisions of a land use ordinance passed under the police powers of a state could be declared facially unconstitutional, "it must be said * * * that such provisions are clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare." 272 U.S. at 395.

property rights with a state's right to regulate that property pursuant to its police powers.[3] The following list, provided by the Fourth Circuit in the *Naegele* case when it remanded and directed the trial court to "make findings pertaining to every aspect of (the billboard owner's) business that will be affected by the ordinance," is representative of those factual inquiries:

(1) number of billboards that can be economically used for advertising;

(2) number of billboards that are economically useless;

(3) terms of the owner's lease for billboard locations;

(4) value of billboard owner's land;

(5) other uses the billboard owner can make of the land;

(6) value of billboards that cannot be used;

(7) amount of depreciation taken on the billboards that cannot be moved;

(8) actual life expectancy of billboards that cannot be moved;

(9) amount of income expected during the amortization period;

(10) salvage value of the billboards that cannot be used;

(11) amount of shared revenue that will be lost;

(12) the percentage of the owner's total signs that the affected signs represent;

(13) relative value between the affected signs and remaining signs;

(14) any other facts presented by the parties that the court deems relevant; and

(15) reasonableness of the length of the amortization period.

AMORTIZATION PERIOD

The amortization period is the primary factor that courts consider in deciding the reasonableness of the zoning ordinance. Some courts give particular emphasis to the length of the amortization period in relation to the investment. Others place importance on the relationship between the length of the amortization period and the nature of the nonconforming use. However, courts almost uniformly decline to designate one specific amortization period that they would consider reasonable for every factual situation.

The Fourth Circuit stated that it considered *Modjeska Sign Studios, Inc. v. Berle*, 373 N.E. 2d 255 (1977), *appeal dismissed*, 439 U.S. 809 (1978) "perhaps the leading case on (amortization)." *Naegle*, 844 F.2d at 177. According to the Fourth Circuit: "The court (in *Modjeska*) recognized that the reasonableness of the amortization period could not be decided on summary judgment, and it remanded the case for an evidentiary hearing to determine whether the loss that the owner of the billboards suffered was substantial." *Naegele*, 844 F.2d at 177.

The Fourth Circuit recently framed what it believed to be problems in declaring any amortization period *per se* constitutional. That court was attempting, for a second time, to provide guidance to a trial court for determining the reasonableness of a Waynesville, North Carolina, ordinance which provided for a 4 year amortization period when it opined: "[I]n rare cases even the briefest amortization period would not be unreasonable. Conversely, because an ordinance could accomplish a taking after the expiration of a very long amortization period, in other rare cases an amortization provision would not be reasonable. Therefore, amortization periods cannot be viewed in isolation." *Georgia Outdoor Advertising, Inc. v. City of Waynesville*, 900 F.2d 783 at 786 (4th Cir. 1990).

A state appellate court described the issue this way: "It could hardly be said that a zoning ordinance in a metropolitan area declaring any building in excess of five stories to be a nonconforming use and setting a thirty-year 'amortization' period would be a reasonable zoning ordinance in this day and age. While the time period might well be reasonable, since the building could be fully depreciated within the time limit, absent more, the simple designation of all buildings over five stories as a nonconforming use by the zoning body would certainly be unreasonable." *Rives v. City of Clarksville*, 618 S.W.2d 502, at 510 (Tenn. App. 1981).

While courts generally appear unwilling to declare a specific amortization time period *per se* constitutional, several courts have given great deference to whether the billboards will have been fully depreciated for federal Internal Revenue Service (IRS) purposes.[4] Courts accept IRS depreciation periods[5] as persuasive evidence that the billboard owner will not suffer an economic loss and that, therefore, his fifth amendment rights have not been violated. The basis for this view is well stated by the Maryland Supreme Court. That court concluded: "A corporation that has regularly, year by year, acted in its financial affairs, under the oath of its authorized offices (and penalty of perjury), on the premises that the full useful life of its billboards is five years is handicapped seriously in arguing persuasively that legislative reliance on that same premise has done it a constitutional wrong—has taken from it substantial property without compensation—by banning further use of those billboards." *Grant v. Mayor and City Council of Baltimore*, 129 A.2d 363, at 372 (Md. 1957).

[3] Generally, an appellate court examines the trial record and stipulated facts in order to decide whether it has sufficient facts about the need for the zoning provision and economic factors concerning the owner's business upon which to render a decision, or whether it should remand the case to the trial court to develop those facts.

[4] Income tax depreciation was the deciding factor in *National Advertising Company v. County of Monterey*, 464 P.2d 33 (Cal. 1970), *cert. denied*, 389 U.S. 946 (1970) where a 1 year amortization period had been challenged. The court declared the 1 year period constitutional only with respect to the fully depreciated billboards.

[5] The IRS depreciation period most commonly referenced by the courts is 5 years.

ENCLOSURE II

CASES HOLDING THAT THE AMORTIZATION OF NONCONFORMING SIGNS WITHOUT COMPENSATION IS CONSTITUTIONAL

Amortization period	Remand	Federal cases
4 yr	(1)	Georgia Outdoor Advertising, Inc. v. City of Waynesville, 900 F.2d 783 (4th Cir. 1990).
5½ yr	(1)	Naegele Outdoor Advertising, Inc. v. City of Durham, 844 F.2d 172 (4th Cir. 1988).
5½ yr		Major Media of the Southeast, Inc. v. City of Raleigh, 792 F.2d 1269 (4th Cir. 1986).
5 yr		E.B. Elliott Adv. Co. v. Metropolitan Dade County, 425 F.2d 1141 (5th Cir. 1970).
5 yr		Art Neon Co. v. City & County of Denver, 488 F.2d 118 (10th Cir. 973) cert. denied, 417 U.S. 932 (1974).
		State Cases
4 yr		Donrey Communications Co. v. City of Fayetteville, 660 S.W.2d 900 (Ark. 1983), cert. denied, 466 U.S. 959 (1984).
1 yr		National Advertising Company v. County of Monterey, 464 P.2d 33 (Cal. 1970), cert. denied, 398 U.S. 946 (1970).
1–4 yr (depending upon value).		Metromedia, Inc. v. City of San Diego, 610 P.2d 407 (Cal. 1980), rev'd on other grounds, 453 U.S. 490 (1981).

ENCLOSURE II—CONTINUED

CASES HOLDING THAT THE AMORTIZATION OF NONCONFORMING SIGNS WITHOUT COMPENSATION IS CONSTITUTIONAL

Amortization period	Remand	Federal cases
2 yr		Murphy, Inc. v. Board of Zoning Appeals of Wilton, 161 A.2d 185 (Conn. 1960).
3 yr	(1)	Mayor & Council v. Rollings Outdoor Advertising Co., 475 A.2d 355 (Del. 1984).
10 yr		Lamar Advertising Assocs. of East Florida, Ltd. v. City of Daytona Beach, 450 So.2d 1145 (Fla. App. 1984).
2 yr		City of Doraville v. Turner Communications Corp, 223 S.E.2d 798 (Ga. 1976).
7 yr		Village of Skokie v. Walton on Demptser, Inc., 456 N.E.2d 293 (Ill. App. 1983).
5 yr		Grant v. Mayor & City Council, 129 A.2d 363 (Md. 1957).
3 yr		Naegele Outdoor Advertising Co. v. Village of Minnetonka, 162 N.W.2d 206 (Minn. 1968).
3 yr		University City v. Dively Auto Body, 417 S.W.2d 107 (Mo. 1967).
		Beals v. County of Douglas, 560 P.2d 1373 (Nev. 1977).
6½ yr	(1)	Modjeska Sign Studios, Inc. v. Berle, 373 N.E.3d 255 (N.Y. 1977), appeal dismissed, 439 U.S. 809 (1978).
5 yr	(1)	Temple Baptist Church, Inc. v. City of Albuquerque, 646 P.2d 565 (N.M. 1982).
5½ yr		R.O. Givens, Inc. v. Town of Nags Head, 294 S.E.2d 388 (N.C. App.), cert. denied & appeal dismissed, 297 S.E.2d 400 (N.C. 1982).
5 yr		Newman Signs, Inc. v. Hjelle, 268 N.W.2d 741 (N.D. 1978), appeal dismissed, 439 U.S. 808 (1979).
6½ yr		Lubbock Poster Co. v. City of Lubbock, 569 S.W.2D 935 (Tex. App. 1978), cert. denied, 444 U.S. 833 (1979).
3 yr		Markham Advertising Co. v. State, 439 P.2d 248 (Wash. 1968), appeal dismissed, 393 U.S. 316 (1969).

[1] Cases remanded to the trial court for an evidentiary hearing on the reasonableness of the muncipality's exercise of its police power (health, safety, and welfare of the public) versus the sign owner's potential business loss due to the sign's removal without compensation.

ENCLOSURE III

CASES HOLDING THAT AMORTIZATION OF OTHER NONCONFORMING LAND USES WITHOUT COMPENSATION IS CONSTITUTIONAL

Amortization period	Remand	Use	State cases
2 yr		Junkyard	Spurgeon v. Board of Comm'rs, 317 P.2d 798 (Kan. 1957).
2 yr		Trailer Park	Gates v. Jaravis, Cornette & Payton, 465 S.W.2d 278 (Ky. 1971).
1 yr		Grocery Store	State ex rel. Dema Realty Co. v. McDonald, 121 So. 613 (La. 1929).
7 yr		Dog Kennels	Wolf v. City of Omaha, 129 N.W.2d 501 (Neb. 1964).
5 yr		Trash Baler	Sullivan v. Zoning Bd. of Adjustment, 478 A.2d 912 (Pa. Cmwlth. 1984).
5 yr		Auto Storage	Collings v. City of Spartanburg, 314 S.E.2d 332 (S.C. 1984).
2 yr (residential), 5 yr (nonresidential).	(1)	Junkyard	Rives v. City of Clarksville, 618 S.W. 2d 502 (Tenn. App. 1981).

[1] Cases remanded to the trial court for an evidentiary hearing on the reasonableness of the municipality's exercise of its police powers (health, safety, and welfare of the public) versus the sign owner's potential business loss due to the sign's removal without compensation.

[Opinion of the General Counsel, Department of Transportation]

WHETHER A PROVISION ALLOWING STATES TO PERMIT NONCONFORMING SIGN REMOVAL BY AMORTIZATION RATHER THAN MONETARY COMPENSATION IS CONSTITUTIONAL

QUESTION

Whether an amendment to title 23, United States Code, to permit States and localities to remove highway signs by means of amortization and without monetary compensation raises constitutional problems on Fifth Amendment "taking" or equal protection grounds.

ANSWER

Based on the following discussion, I conclude that a provision allowing nonconforming highway signs to be removed through amortization is not constitutionally vulnerable.

DISCUSSION

I. Background and presentation of issues

The Highway Beautification Act of 1965, Pub. L. No. 89-285, 79 Stat. 1028, as amended (codified at 23 U.S.C. §§131, 136 and 319), established a scheme for control by the States of the erectic a intenance of outdoor advertising signs adjacent to the Interstate and primary highways. A State's failure to provide for "effective control," within the meaning of 23 U.S.C. §131(c), of such signs may result in a ten percent reduction in its annual apportionment of Federal-aid highway funds. 23 U.S.C. §131(b).

In general, the Highway Beautification Act does not require States to remove all existing signs or prohibit the erection of all new ones. Classes of signs not subject to the States' "effective control" include on-premises signs, directional and official signs and notices and signs in zoned and unzoned industrial and commercial areas that meet State requirements as to size, lighting and space. With regard to nonexempted signs, States are required to remove existing ones and prohibit the erection of new ones. Under 23 U.S.C. §131(g), sign and site owners must be paid compensation for the removal of "nonconforming"[1] signs that do not comply with State laws passed for purposes of complying with the Highway Beautification Act. An extended discussion of the compensation provisions of the Highway Beautification Act is included below.

Since the Supreme Court decision approving the validity of zoning ordinances, *Euclid* v. *Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926), the elimination of nonconforming uses through amortization[2] has been the subject of frequent judicial scrutiny in the face of constitutional challenges to such practices. Such challenges typically attack amortization schemes on the grounds that they constitute a taking under the Fifth and Fourteenth Amendments of the United States Constitution[3] or violate the equal protection clause of the Fourteenth Amendment, at least in those instances where the owner of a nonconforming use can point to another Federal, State or local requirement that classifies another owner in such a manner so that the latter is entitled to compensation.

It is well-established that the Highway Beautification Act does not provide a private right of action for just compensation. See, e.g., *National Advertising Co.* v. *City of Ashland, Ore.*, 678 F.2d 106, 109, (9th Cir. 1982); *State* v. *National Advertising Co.*, 409 A.2d 1277, 1280 (Me. 1979); *R.O. Givens* v. *Town of Nags Head*, 58 N.C. App. 697, 294 S.E.2d 388, 391-92 (1982), cert. denied, 307 N.C. 127, 297 S.E.2d 400. Thus, assuming an amendment to the Highway Beautification Act to allow amortization, a particular challenge to an amortization scheme must attack directly the State statute or local ordinance establishing the scheme rather than the Highway Beautification Act itself.

While there could be wide variation in the substance or application of such State or local amortization provisions, nonetheless sufficient insight can be gleaned from the numerous cases in which plaintiffs have challenged the uncompensated removal of their signs. Also, the issue of compensation was an important one to the Congress in considering legislation culminating in the Highway Beautification Act of 1965 and subsequent amendments in 1978. Thus, the structure of the Act itself, relevant legislative history, and subsequent case law shed important light on the constitutional aspects of the compensation vs. amortization issue.

II. The Highway Beautification Act

A. The 1965 Act

The Administration's bill (S. 2084), as originally introduced in May 1965, did not require compensation but rather authorized the use of States' police power to control billboards.[4] The Senate Public Works Committee rejected this approach and then added a compensation provision. Evident in the reports on the legislation was strong Congressional sentiment in favor of compensation. Thus, the House Public Works Committee indicated that it: "feels strongly that in all equity and fairness, compensation must be paid to those individuals who will lose their signs."

H.R. Rep. No. 1084, 89th Cong., 1st Sess. 7 (1965).

The Senate Public Works Committee also stated unequivocally its views with respect to States' use of their police power to remove nonconforming uses by amortization:

"The committee emphatically and unanimously rejects the use of police power in acquiring these rights, and has provided for the use of Federal funds for paying the Federal pro rata share of the acquisition costs . . . . Such payment is mandatory, not permissive on the States."

S. Rep. No. 709, 89th Cong., 1st Sess. 7 (1965) (emphasis added).

In addition, during floor debate in the Senate, Senator Dirksen was successful in adding an amendment for the purpose of making it clear that it was the congressional policy to require the payment of compensation rather than to permit the States to rely on their police power to exercise "effective control" over nonconforming billboards.[5] The amendment, as enacted, read:

"Nothing in this Act or the amendments made by the Act shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act."

Highway Beautification Act of 1965, Pub. L. No. 89-285, tit. IV, §401, 79 Stat. 1033.

In introducing the amendment, Senator Dirksen offered the view that the proposed section ". . . is a restatement of the principles laid down in article V of the Bill of Rights in the Constitution."[6]

Although the above pronouncements appear to suggest that States are prohibited from exercising their police power to remove billboards but must provide compensation, there is significant support, as discussed below, for the view that the prohibition should not be construed in constitutional terms.

B. 1966 Attorney General's Opinion

In response to a request from the Secretary of Commerce (who enforced the Highway Beautification Act's provisions prior to the establishment of the Department of Transportation), the Attorney General addressed the question whether "the words 'just compensation' and 'taking' in section 131(g) are to be read as words of art referring to the payments required of the Federal and State governments by the Fifth or Fourteenth Amendments when private property is taken for public use."[7]

The Attorney General concluded that "Congress did not have strict constitutional usage in mind when it enacted section 131(g).[8] Rather, section 131(g) was designed to "insure payment in each case of a billboard abatement covered by that section, whether or not compelled by the Constitution. It obviously employed the term 'just compensation' to set the standard for ascertaining the amount of payment."[9]

Thus, even though a State could rely on the police power to implement the Highway Beautification Act, section 131(g) requires it to provide compensation in order to receive a full allocation of highway funds.[10] The Attorney General also saw no constitutional problems with the Federal government's providing an "inducement"[11] to the States to provide for compensation of persons. The opinion reviewed Supreme Court decisions on grants-in-aid,[12] which have consistently upheld statutes setting conditions upon the States incident to receiving grants.[13] These precedents provided adequate grounds for the Attorney General to conclude that the Federal government may require a State to comply with certain conditions in order to obtain funds that the Federal government grants to the States.[14]

A leading commentator[15] on the Highway Beautification Act has also construed section 131(g) as not going so far as to require States to compensate as a matter of constitutional principle. In examining the legislative history, he concluded that the compensation requirement is mandatory on the States only if they seek to avoid the ten percent penalty.[16]

There is nothing in the hearings to indicate that the subcommittee members [considering the proposed Highway Beautification legislation] intended to forbid absolutely the use of any state's police power to eliminate highway advertising signs, although it was clearly assumed that few, if any, states would be willing to suffer the ten percent penalty in order to avoid payment of just compensation to sign owners and landowners. Consequently, the statement in the Senate committee report that '[s]uch payment is mandatory, not permissive, on the States'[17] and the statement in the House committee report that 'compensation must be paid to those individuals who will lose their signs'[18] must both be read as meaning that payment of just compensation is mandatory if, and only if, a state wishes to receive its full share of federal funds.[19]

The commentator also concluded that the floor amendment by Senator Dirksen that became section 401 of the Highway Beautification Act was added for the express purpose of making it absolutely clear that it was *congressional policy* to encourage the payment of compensation rather than to enable the States to rely on their police power to remove nonconforming signs[20] (emphasis added). He also concluded that Senator Dirksen's statement (at 111 Cong. Rec. 24126 (1965), quoted above) should not be given much weight.[21]

The view that the Highway Beautification Act's compensation requirement is not mandated by the Constitution has received extensive case law support, as will be discussed below.

C. The 1978 Amendments

In response to billboard industry concerns over an interpretation of the Highway Beautification Act by the Federal Highway Administration (FHWA), the Congress amended the Act's "just compensation" provision in the Surface Transportation Assistance Act

Footnotes at end of article.

of 1978 (STAA), PUb. L. No. 95-599, 92 Stat. 2701, §122.

An FHWA legal opinion, dated March 12, 1976, concluded that section 313(g)'s "just compensation" provision did not reach billboard removals where such removals were unrelated to the Federal Act. Thus, a State could not be penalized for failure to comply with the requirements of the Highway Beautification Act where a locality, by legal zoning ordinances, provides for the removal of lawfully erected signs by means of amortization.

Partially in response to this reading of the Highway Beautification Act, the Congress amended section 131(g) to require that compensation be paid upon removal of a legally erected sign adjacent to a Federal-aid primary or Interstate highway, even though the removal may be for a purpose unrelated to State beautification laws or 23 U.S.C. §131. Although the proposed legislation was enacted without the benefit of any hearings and with little discussion during mark-up, the House report on the proposed STAA[22] makes clear that the revised language in section 131(g) was to "clarify existing law."[23] In addition, the limited floor debate on the "just compensation" amendment[24] is cast in terms of Congressional intent in originally enacting the 1965 Highway Beautification Act and does not reach the constitutional dimensions of the issue.

D. Case Law

In the billboard regulation area, a sign or site owner's property rights are established under State law. As noted earlier, there is extensive case law support for the view that the Constitution does not require payment of compensation to a billboard or site owner. In general, a State or locality may exercise authority over private property by means of regulation of the use of land pursuant to its police power or a "taking" of property pursuant to its power of eminent domain. *Modjeska Sign Studio, Inc.* v. *Berle*, 43 N.Y. 2d 468, 473-74, 402 N.Y.S.2d 359, 363, 373 N.E.2d 255, 258 (1977), appeal dismissed, 429 U.S. 809, 99 S.Ct. 66, 58 L.Ed.2d 101 (1978). The Supreme Court has addressed the issue on several occasions and has not required compensation even where the regulations result in a diminution in the value of particular property so long as the restriction advances legitimate State interests. See, *Agins* v. *City of Tiburon*, 447 U.S. 255, 261-62, 100 S.Ct. 2138, 2141-42, 65 L.Ed. 2d 106, 112-13 (1980); *Penn Central Transportation Co.* v. *City of New York*, 438 U.S. 104. 138 n.36, 98 S.Ct. 2646, 2666, 57 LEd.2d 631, 657 (1978).

An early court opinion rejected the view that the Constitution mandates payment of compensation to property owners upon removal of billboards and indicated that the purpose of the Highway Beautification Act of 1965 was clearly to induce States to act and should not be considered as mandatory. *Markham Advertising Co.* v. *Washington*, 73 Wash. 2d 405, 439 P.2d 248 (1968), appeal dismissed for want of a substantial Federal question, 393 U.S. 316, 89 S. Ct. 553, 21 L. Ed. 2d 512,[25] reh'g denied, 393 U.S. 1112, 89 S. Ct. 854, 21 L. Ed. 2d 813 (1969). The *Markham* court reasoned that if the Congress had intended the provisions of 23 U.S.C. §131 to be mandatory on the States, there would have been no need for it to establish a monetary penalty for noncompliance. 439 P. 2d at 257. See also, *South Dakota* v. *Volpe*, 353 F. Supp. 335, 337 (D.S.D. 1973); *National Advertising Co.* v. *City of Ashland, Ore.*, supra, 678 F.2d at 106, 108 (9th Cir. 1982); *Vermont* v. *Brinegar*, 379 F. Supp. 606 (D. Vt. 1974); *South Dakota* v. *Adams*, 506 F. Supp. at 50, 58 (D.S.D. 1980) aff'd sub. nom. *South Dakota* v. *Goldschmidt*, 635 F.2d 698 (8th Cir.), cert. denied, 451 U.S. 984, 101 S. Ct. 2316, 68 L. Ed. 2d 841 (1981); *Modjeska Sign Studios, Inc.* v. *Berle*, 55 A.D. 2d 340. 390 N.Y.S. 2d 945, 947 (1977).

In general, the court decisions view amortization provisions applied to particular sign and site owners as constitutionally valid if they meet the test of reasonableness.[26] Courts have rejected constitutional challenges to amortization schemes if the period is "reasonably long enough to allow the sign owner to recoup his investment . . . ." *Lamar Advertising Associates of East Florida, Ltd.* v. *City of Daytona Beach*, 450 So. 2d 1145, 1150 (Fla. Dist. App. 1984). Accord, *Fischer Buick, Inc.* v. *City of Fayetteville*, 286 Ark. 49, 689 S.W. 2d 350, 351 (1985); *Mayor and Council of New Castle* v. *Rollins Outdoor Advertising*, 475 A. 2d 355, 358-59 (Del. 1984); *Major Media of Southeast, Inc.* v. *City of Raleigh*, 621 F. Supp. 1446, 1452-53 (D.N.C. 1985). Factors that courts have relied upon in reviewing the reasonableness of amortization periods include: the cost of the billboard, its depreciation value and remaining useful life, the length and remaining term of the lease under which the sign is maintained and the harm to the public if the structure remains standing beyond the prescribed period. *Metromedia, Inc.* v. *City of San Diego*, 26 Cal. 3d 848, 164 Cal. Rptr. 510, 610 P. 2d 407, 428 (1980),[27] rev'd on other grounds, 453 U.S. 490, 101 S. Ct. 2882, 69 L. Ed. 2d 800 (1981). See also, *Art Neon Co.* v. *City and County of Denver*, 488 F. 2d 118 (10th Cir. 1973), cert denied, 417 U.S. 932, 94 S. Ct. 2644, 41 L. Ed. 2d 236 (1974).

Where a sign owner can show that the loss he suffers is so substantial that it outweighs the public benefit associated with removal of the nonconforming use, then the amortization provision must be viewed as unreasonable. *Modjeska Sign Studio, Inc.* v. *Berle*, supra, 43 N.Y. 2d at 480, 402, N.Y. S. 2d at 367, 373 N.E. 2d at 262; *Inhabitants, Town of Boothbay* v. *National Advertising Co.*, 347 A. 2d 419, 424 (Me. 1975).

Thus, a one-year amortization period for removal of nonconforming uses was rejected as unreasonable as applied to billboards which had not yet been fully amortized under Internal Revenue Service rules. *National Advertising Co.* v. *County of Monterrey*, 1 Cal. 3d 875, 83 Cal. Rptr. 577, 464 P. 2d 33 (1970). Similarly, portions of a local ordinance providing different periods of amortization based on replacement value of the nonconforming sign were held invalid. *Art Neon* v. *Denver*, supra, 488 F. 2d 118. But see *Metromedia, Inc.* v. *City of San Diego*, 23 Cal. 3d 762, 154 Cal. Rpt. 212, 592 P. 2d 728, 747 (1979), vacated, 26 Cal. 3d 848, 164 Cal. Rptr. 510, 610, P. 2d 407 (1980), supra, cert. denied, 453 U.S. 922, 101 S. Ct 3158, 69 L. Ed. 2d 1004 (1981), holding that varying amortization periods in a local ordinance which ranged from one to four years, depending upon the depreciated value of the sign, was not unreasonable on its face.

In a handful of cases, plaintiffs have also attacked amortization provisions on the grounds that they unconstitutionally impair the obligation of contracts in violation of Article I, §10 of the Constitution. However, the case law does not reveal any amortization provisions invalidated on this basis. Rather, where a particular provision is viewed as a legitimate exercise of a State's or locality's police power, the fact that the performance of existing contracts may be frustrated is not constitutionally significant. See, *Temple Baptist Church* v. *City of Albuquerque*, 98 N.M. 138, 646 P. 2d 565, 575 (1982); *Art Neon* v. *City and County of Denver*, supra, 488 F. 2d at 123, quoting *Home Building and Loan Ass'n* v. *Blaisdell*, 290 U.S. 398, 54 S. Ct. 231, 78 L. Ed. 413 (1934); *Sign Supplies of Texas, Inc.* v. *McConn*, 517 F. Supp. 778, 784-85 (S.D. Texas 1980); *Hav-A-Tampa Cigar Co.* v. *Johnson*, 149 Fla. 148, 5 So. 2d 433 (1941).

Although not all of the above cases dealt with local or State regulations of outdoor advertising also falling within the scope of Highway Beautification Act, it is clear that the decisions specifically addressing the issue have failed to reject the amortization approach. See, e.g., *Modjeska Sign Studio, Inc.* v. *Berle*, supra, 390 N.Y. S. 2d 945 (1977); *Newman Signs, Inc.* v. *Hjelle*, 268 N.W. 2d 741, 758 (N.D. 1978), appeal dismissed, 440 U.S. 901, 99 S. Ct. 1205, 59 L. Ed. 2d 449 (1979). Other cases, relying on 23 U.S.C. §131(o),[28] have upheld States' and localities' decisions not to require compensation when amortization programs were initiated in the absence of Federal removal funds. See *Metromedia, Inc.* v. *City of San Diego*, supra, 610 P. 2d at 426; *State* v. *National Advertising Co.*, supra, 409 A. 2d 1277 (Me. 1979).

Even those cases decided after the enactment of the 1978 amendments to the Highway Beautification Act have refused to read section 131(g), as amended, as requiring a municipality to pay compensation where a reasonable amortization period is provided in the removal ordinance. See, e.g., *Suffolk Outdoor Advertising* v. *Southampton*, 60 N.Y.2d 70, 468 N.Y.S.2d 450, 455 N.E.2d 1245 (1982), reargument denied, 61 N.Y.2d 670, 472 N.Y.S.2d 1028, 460 N.E.2d 232 (1983). Thus, the decision whether to require payment of compensation or accept a penalty raises statutory issues without constitutional overtones.

Although it may be difficult to envision with any degree of precision the exact contours of particular State or local regulation of outdoor signs that may give rise to an equal protection argument on the part of sign or site owners, a number of cases have addressed the issue under existing billboard control schemes. Typically, plaintiffs have made challenges on equal protection grounds where a State or locality has: 1. classified nonconforming signs as compensable or noncompensable solely on the basis of the availability of Federal funds;[29] 2. determined that certain owners of signs or sites would not be entitled to compensation upon removal of the signs while other sign owners would be compensated (*i.e.*, signs not subject to "effective control" under the Highway Beautification Act and implementing State statutes);[30] or 3. permitted on-premises signs while controlling other commercial advertising.[31]

Under a straightforward equal protection analysis, a classification or distinction created by operation of a statute or ordinance will be sustained unless it engenders "invidious discrimination." *Williamson* v. *Lee Optical Co.*, 348 U.S. 483, 489, 75 S.Ct. 461, 465, 99 L.Ed. 563, 573 (1955).

At issue in billboard control is economic regulation as opposed to one involving a "suspect" classification or "fundmental" right. *Metromedia, Inc.* v. *City of San Diego*, supra, 592 P.2d at 745. The courts have placed reliance on the rules set out in *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U.S. 61, 31 S.Ct. 337, 55 L.Ed. 369 (1911), in determining whether such economic regulation invites permissible or invidious discrimination. As indicated there—

"The rules by which this contention must be tested, as shown by repeated decisions of this court, are these: 1. The equal-protection clause of the 14th Amendment does not take from the state the power to classify in the

adoption of police laws, but admits of the exercise of a wide scope of discretion in that regard, and avoids what is done only when it is without any reasonable basis, and therefore is purely arbitrary. 2. A classification having some reasonable basis does not offend against that clause merely because it is not made with mathematical nicety, or because in practice it results in some inequality. 3. When the classification in such a law is called in question, if any state of facts reasonably can be conceived that would sustain it, the existence of that state of facts at the time the law was enacted must be assumed. 4. One who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary." 220 U.S. at 78–79, 31 S.Ct. at 340, 55 L.Ed. at 369.

Courts considering equal protection challenges to State and local billboard controls have had little difficulty in positing a set of circumstances justifying the particular regulation, finding the classification non-arbitrary and, therefore, sustaining the controls.[32]

In light of the legislative history of the Highway Beautification Act and the case law on the subject, it is clear that an amortization provision viewed as reasonable under the particular circumstances is constitutionally valid.

[1] Under zoning principles, a "nonconforming use" is one which lawfully existed prior to the enactment of a zoning or land use restriction and which may be maintained after the effective date of the restriction although it does not comply with the restriction. 82 Am. Jur. 2d *Zoning and Planning* §178 (1976).

[2] Amortization provisions are those which require the termination of nonconforming uses at the expiration of a predetermined period of time. Annot. 22 A.L.R.3d 1134, 1137 n.3 (1968). These provisions, typically, apply to classes of uses. In effect, the owner of the nonconforming use is granted a monopoly position during the amortization period to enable him at least theoretically to recoup his investment in the use. *City of Fayetteville* v. *McIlroy Bank and Trust Co.*, 278 Ark. 500, 647 S.W.2d 439. 441 (1983). In contrast to compensation provisions, which seek to eliminate a nonconforming use pursuant to a States' power of eminent domain, amortization provisions are invoked pursuant to the police power to remove such a use. *Donrey Communications Company, Inc.* v. *City of Fayetteville*, 280 Ark. 408, 660 S.W.2d 900. 905 (1983), cert. denied 466 U.S. 959, 104 S.Ct. 2172, 80 L.Ed.2d 555 (1984). For further discussion of the breadth of States' police power, see discussion in Section II. D. of text, infra.

[3] The Fifth Amendment provides that "private property" shall not "be taken for public use, without just compensation." Also, the Fifth Amendment has been incorporated into the Fourteenth Amendment and is, therefore, binding on State and local governments. *Penn Central Transportation Co.* v. *City of New York*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed. 2d 631 (1978).

[4] 111 Cong. Rec. 22949 (daily ed. Sept. 14, 1965) (statement of Sen. Cooper). *See also* 42 Op. Att'y Gen. 331, 333 (1966).

[5] Cunningham, "Billboard Control Under the Highway Beautification Act of 1965," 71 Mich. L. Rev. 1296, 1311–12 (1973).

[6] 111 Cong. Rec. 24126 (1965).

[7] 42 Op. Att'y Gen., supra note 4, at 331.

[8] Id.

[9] Id.

[10] Id.

[11] Id. at 45.

[12] *Massachusetts* v. *Mellon*, 262 U.S. 447, 43 S.Ct. 597, 67 L. Ed. 1078 (1923); *Oklahoma* v. *United States Civil Service Comm'n*, 330 U.S. 127, 67 S.Ct. 554, 91 L.Ed. 794 (1947); *United States* v. *Darby*, 312 U.S. 100, 124, 61 S.Ct. 451, 462; 85 L.Ed. 609, 622–23 (1941).

[13] The Supreme Court has upheld requirements imposed by grant-in-aid statutes where considered an appropriate means and plainly adapted to the permitted end and not arbitrary. *See* cases cited in previous note.

[14] For an articulation of these principles in the billboard regulation area, see *South Dakota* v. *Adams*, 506 F. Supp. 50, 54 (D.S.D. 1980), aff'd sub. non, *South Dakota* v. *Goldschmidt*, 635 F. 2d 698 (8th Cir.), cert. denied, 451 U.S. 984, 101 S.Ct. 2316, 68 L.Ed.2d 841 (1981).

[15] Cunningham, *supra* note 5.

[16] Id. at 1317.

[17] S. Rep. No. 709, 89th Cong., 1st Sess. 7 (1965).

[18] H.R. Rep. No. 1084, 89th Cong., 1st Sess. 7 (1965).

[19] Cunningham, supra note 5 at 1317.

[20] Id. at 1311–12.

[21] Id. at 1313 n.68.

[22] H.R. Rep. No. 1485, 95th Cong., 2d Sess. 14–17 (1978).

[23] Id. at 14.

[24] 124 Cong. Rec. 31063–31066 (1978).

[25] The dismissal of an appeal by the Supreme Court is a ruling on the merits affirming the court below. *Hicks* v. *Miranda*, 422 U.S. 332, 343–44, 95 S.Ct. 2281, 2289, 45 L.Ed.2d 223, 235–36 (1975).

[26] Annot., 22 A.L.R.3d, *supra* note 2 at 1139.

[27] Under California law, "a city seeking to eliminate nonconforming uses *may pursue two constitutionally equivalent alternatives: compensation or amortization*. 610 P.2d at 426 (emphasis added).

[28] "No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment."

[29] *State* v. *National Advertising Co.*, 387 A.2d 745, 749 (1978); *Metromedia, Inc.* v. *City of San Diego*, supra, 610 P.2d at 426.

[30] Ackerley Communications v. *City of Seattle*, 92 Wash.2d 905, 602, P.2d 1177, 1187 (1979), appeal dismissed, 449 U.S. 804, 101 S.Ct. 49, 66 L.Ed.2d 7 (1980); *State* v. *Yard Birds, Inc.*, 9 Wash. App. 514, 513 P.2d 1030, 1035 (1973).

[31] *E.B. Elliott Advertising Co.* v. *Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1979), cert. denied, 400 U.S. 805, 91 S.Ct. 12, 27 L.Ed.2d 35 (1980); *Newman Signs, Inc.* v. *Hjelle*, 268 N.W.2d 741, 758–59 (N.D. 1978), appeal dismissed, 440 U.S. 901, 99 S.Ct. 1205, 59 L.Ed.2d 449 (1979); *Donnelly Advertising Corp.* v. *City of Baltimore*, 279 Md. 660, 370 A.2d 1127, 1133 (Md. App. 1975).

[32] See cases cited in notes 29–31, supra.

Date: June 26, 1986.

JIM J. MARQUEZ,
General Counsel.

[Comptroller General's Report to the Committee On Environment And Public Works, U.S. Senate]

THE OUTDOOR ADVERTISING CONTROL PROGRAM NEEDS TO BE REASSESSED

The Highway Beautification Act of 1965 required that states control outdoor advertising along federally funded interstate and primary highways. Since the enactment of the act, thousands of outdoor advertising signs have been removed to enhance the natural beauty of the nation's highways. However, many prohibited signs are still standing and are likely to remain so because federal funds are not being appropriated to compensate sign owners for their removal, as required by the act.

Accomplishing the goal of the Highway Beautification Act will require either additional federal funding or a change in the compensation requirement of the act, as amended. GAO recommends that the Congresss reassess the outdoor advertising control program. In making this reassessment the Congress will need to weigh the program's goal and requirements against program costs.

DIGEST

The Highway Beautification Act of 1965 established a national policy and program for the control of outdoor advertising along federally funded interstate and primary highways. The purpose of control is to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty. Each state is required to develop and administer its own sign-control program consistent with the national policy and program. The Department of Transportation, through its Federal Highway Administration (FHWA), oversees the states' programs. The Secretary of Transportation is authorized to withold 10 percent of the annual federal highway funds of any state that has not established and maintained an effective sign-control program.

The act and implementing regulations require states to remove "nonconforming" and "illegal" signs and restrict the construction of new signs. Nonconforming signs, as defined by the regulations, are those that were legally erected before the program's requirements became effective. Owners of these signs and their sites must be compensated for their removal. The federal government pays 75 percent of the cost of compensation and the states are responsible for 25 percent. Illegal signs are those that were erected after the act's requirements became effective. These signs must be removed expeditiously and removing them does not require the payment of compensation to sign and site owners.

A 1978 amendment broadened the Highway Beautification Act's compensation provision by requiring that monetary compensation be paid to sign and site owners for signs that are removed because they do not conform to local laws or ordinances. Prior to the amendment, localities could remove signs that did not conform to local laws or ordinances without providing monetary compensation.

While over $200 million has been spent on the program since 1965, annual federal program expenditures have declined from about $27 million in fiscal year 1976 to about $2 million in fiscal year 1984. As of September 30, 1984, about $15 million in program funds have been obligated and remain to be spent by the states. Current funding authority for the program expires at the end of fiscal year 1985.

The Administration has not requested new program funds in its budgets since fiscal year 1982, explaining that the program was being reassessed. The Congress appropriated no new funds to the program for fiscal year 1984. States cannot be required to remove non-conforming signs if no federal funds are available for paying compensation but they must continue to remove illegal signs and restrict new signs.

In a July 1, 1983, letter, the Chairman, Senate Committee on Environment and Public Works, asked GAO to obtain information on the effectiveness of the outdoor advertising control program. On the basis of that letter and discussions with the Chairman's office, GAO focused its work on:

How many illegal and nonconforming signs remain standing and what will it cost to remove them?

How effective are state sign-control programs and how effective is federal oversight of such programs?

How has the 1978 amendment to the act affected sign control?

As requested by the Chairman, GAO also addressed other specific questions regarding program status and sign-control policies, procedures, and practices.

In carrying out its work, GAO reviewed seven states' outdoor advertising control programs and conducted a questionnaire survey of the 50 states.

Status of sign removal

Although about 587,000 signs have been removed since the program began in 1965, about 172,000[1] nonconforming and illegal signs remained standing along our nation's interstate and primary highways as of Sep-

[1] Not including signs affected by the 1978 amendment.

tember 30, 1983, according to FHWA data. Of the remaining signs, about 124,000 are nonconforming and about 48,000 are illegal. These were the most recent comprehensive data available at the time of the GAO review. GAO is concerned, however, about the reliability of some of these data. GAO found the data on remaining illegal signs to be unreliable for three of the seven states it reviewed.

The removal of nonconforming signs has declined about 78 percent since 1979 as federal program expenditures have decreased. It is unlikely that the remaining nonconforming signs will be removed in the near future since FHWA estimates that about $427 million in federal funds would be required to remove the 124,000 such signs that remain standing.

The removal of illegal signs has also declined in recent years. Seventy-three percent fewer signs were removed in 1983 than in 1980. This decline is not, however, attributable to the reduction in federal funds, since removing illegal signs does not require the payment of compensation. Rather, limited state resources, state procedures which slow sign removals, and lack of program support have contributed to the slow removal of illegal signs, based on GAO's review of programs in seven states.

Federal oversight and State program problems

Although federal law requires states to remove illegal signs and restrict new ones irrespective of federal funding, FHWA's overall oversight of state sign-control programs declined as federal funding decreased. FHWA deemphasized the program and, in one FHWA regional administrator's view, states may have taken advantage of this relaxed approach. A 1983 FHWA review of state programs identified or restated problems with state programs and suggested that some states were not effectively controlling outdoor advertising. For example, the review indicated that Arizona, Kentucky, and Louisiana were not removing illegal signs expeditiously. While the Secretary of Transportation has not penalized any state for a program infraction since 1977, FHWA has worked with some states to resolve problems with their programs. (See p. 17.)

In June 1983, FHWA presented to the Office of the Secretary of Transportation a proposal for revising the outdoor advertising control program which calls for:

Limiting outdoor advertising control to rural interstate routes,

Eliminating the mandatory compensation requirement for the removal of nonconforming signs,

Removing nonconforming signs within 5 years with discretionary federal highway funds, and

Replacing the 10-percent funding penalty with a more flexible enforcement provision.

As of October 1984, the proposal was still being considered by the Office of the Secretary.

Effects of the 1978 amendment

The 1978 amendment increased the cost of outdoor advertising control by increasing the number of signs that cannot be removed without compensation. FHWA estimates that 38,000 additional signs that did not conform to local laws or ordinances became eligible for monetary compensation because of this amendment and that their removal will require an additional $334 million in federal funds. The amendment has hindered sign removal in some localities that had planned to remove signs without paying monetary compensation. In lieu of monetary compensation, these localities would have allowed sign owners to retain their signs for a specified period of time in order to recoup their investment.

Views on the 1978 amendment and its effects vary. In response to the GAO questionnaire survey, 32 states indicated that the amendment had no effect on their states' sign-control program and 17 states indicated that the amendment made it more difficult to remove signs. One state did not respond to this question. Nine of the 17 affected states indicated that the amendment prevented them from removing signs without paying monetary compensation. Twenty-seven states greatly or somewhat favored repealing the amendment.

Several national organizations, such as the Garden Clubs of America, the Sierra Club, and the National League of Cities, also favored repealing the amendment. However, advertising and business organizations generally opposed repeal; one such organization stated that the 1978 compensation amendment closed a "loop-hole" in the act that allowed localities to remove signs without paying compensation.

The Department of Transportation also opposed the 1978 amendment. In a letter included in the congressional record, the Secretary of Transportation stated that the broadened compensation requirement represented a federal intrusion into local land-use control prerogatives and would undermine sign-control efforts.

Recommendation to the Secretary of Transportation

FHWA has completed a review of the outdoor advertising control program and has proposed program changes to the Office of the Secretary of Transportation, which would require legislation. GAO recommends, therefore, that the Secretary of Transportation complete the review of the FHWA proposal, develop the Department's position on the program, and present that position to the Congress.

Recommendation to the Congress

GAO's review shows that without additional federal funding or a change in the compensation requirement of the Highway Beautification Act, as amended, the 1965 act's goal—to control outdoor advertising along federally funded interstate and primary highways—will not be accomplished. GAO recommends, therefore, that the Congress reassess the outdoor advertising control program. In making this reassessment, the Congress will need to weigh the program's goal and requirements against program costs and, if warranted, consider changes to the goal and requirements which reflect an appropriate level of funding. (See p. 43.)

Agency Comments

GAO did not request agency comments on this report. However, GAO did discuss the report's contents with officials from the Department of Transportation and the states it reviewed.•

• Mr. COHEN. Mr. President, I am very pleased to join Senator CHAFEE and several other colleagues in introducing the Visual Pollution Control Act. I commend Senator CHAFEE for his dedication to the issue of billboard removal and control and for his leadership in bringing this legislation before the Senate.

In the 101st Congress, similar legislation was reported out by the Environment Committee but Congress adjourned before the bill could be brought to the Senate floor. I hope that the Senate will seize on the momentum and consider this important legislation in the very near future.

My strong support for this legislation is based on the extremely positive experience Maine has had with billboard removal. Maine began removing billboards over 30 years ago, and the last one came down in 1984. The State law used the tool of amortization as a means of providing compensation to billboard owners for sign removal. When the amortization period was over, the billboards came down.

Contrary to what many opponents claimed then, as they do now, Maine's important tourism industry and small businesses suffered no economic harm because of the removal of billboards. To the contrary, tourism industry revenues grew by $100 million from 1984 to 1985.

A second point I would like to make is that the removal of billboards in Maine has put small businesses on an equal footing with much larger businesses that can better afford to rent large billboards. Maine's uniform roadside off-premise directional signs allow a store like the Puffin' Pig, in Whiting, ME, the same opportunity to attract customers as L.L. Bean. The roadside signs are far more affordable to smaller businesses and have created a more level playing field on which they can compete.

Finally, Mr. President, I want to relay to my colleagues the sentiments expressed by Maine's many visitors. Time after time, year after year, these vacationers remark upon Maine's pristine beauty and its clean highways. While native Mainers do not need to be convinced about the remarkable beauty of our State, we do know that it is enhanced by the clear view afforded the traveler on our interstate and rural roads. And one very important reason for that is the absence of billboards.

In my view, the benefits of billboard removal far outweigh any that might accrue from their large presence on our highways. The Federal law governing billboard removal is riddled with loopholes, and it needs to be improved so that its real intent—billboard removal—can be achieved.

Senator CHAFEE'S bill will restore to States and local governments the authority to determine billboard removal requirements. In addition, it places a moratorium on the construction of new billboards along Federal interstate and primary highways and prohibits the destruction of trees along public rights-of-way for the sole purpose of improving billboard visibility. This is an important bill that will restore some sanity to the billboard removal process that was originally envisioned in the Highway Beautification Act of 1965. Certainly that law did not envision

that more billboards would be erected than removed, which is the case now. According to the Congressional Research Service, from 1986 to 1988 only 1,216 nonconforming billboards were removed while 47,519 new billboards were put up. At this rate, we will be forced to rename the 1965 law.

I hope that my colleagues will look at Maine's experience and realize that tourism can remain a viable industry even without billboards—perhaps because there are no billboards to destroy the serenity of an ocean view or a mountain vista.

I look forward to the enactment of this bill and again commend Senator CHAFEE for his hard work in moving this bill forward.●

By Mr. MITCHELL (for himself, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BURDICK, Mr. REID, Mr. HARKIN, Mr. PELL, Mr. LEVIN, Mr. SARBANES, Mr. LIEBERMAN, Mr. SPECTER, Mr. DECONCINI, Mr. BRYAN, Mr. ADAMS, Mr. BUMPERS, Mr. COHEN, Ms. MIKULSKI, Mr. WIRTH, Mr. WELLSTONE, Mr. GRAHAM, Mr. AKAKA, Mr. METZENBAUM, Mr. KERRY, and Mr. SANFORD):

S. 596. A bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements; to the Committee on Environment and Public Works.

FEDERAL FACILITY COMPLIANCE ACT

Mr. MITCHELL. Mr. President, today I am introducing the Federal Facilities Compliance Act of 1991. This legislation is identical to legislation that was unanimously reported by the Senate Environment and Public Works Committee late last year. It is similar to legislation that has been passed by the House of Representatives twice by overwhelming margins.

The premise of the legislation is simple: Federal agencies must comply with our Nation's hazardous waste control laws. State agencies and municipalities are required to comply. Private industry is required to comply.

Hazardous waste laws are designed to protect the public health and the environment. We cannot afford to exempt violators. As then-candidate Bush said in 1988:

> Unfortunately, some of our worst offenders are our own Federal facilities. As President, I will insist that in the future Federal agencies should meet or exceed environmental standards. The government should live within the laws it imposes on others.

I agree with this statement. However, Federal facilities continue to be a major part of our hazardous waste problem.

In February of this year, the Office of Technology Assessment released a report entitled "Complex Cleanup: The Environmental Legacy of Nuclear Weapons Production." That report stated:

> Today, it is evident that the vast network of weapons facilities, located on thousands of square miles of Federal reservations in 13 States, has produced widespread contamination of the environment with toxic chemicals and radionuclides. Serious questions have been raised about the potential human health threats posed by such contamination. * * *
>
> The past 45 years of nuclear weapons production have resulted in the release of vast quantities of hazardous chemicals and radionuclides to the environment. There is evidence that air, groundwater, surface water, sediments, and soil, as well as vegetation and wildlife, have been contaminated at most, if not all, of the Department of Energy (DOE) weapons sites. (OTA report, p. 3.)

Among the key findings of that report were the following:

> The waste and contamination problems at the DOE Weapons Complex are serious and complicated, and many public concerns about potential health and environmental impacts have not yet been addressed.
>
> Despite DOE statements about the lack of imminent off-site health threats due to the contamination, possible public health effects have not been investigated adequately. The current regulatory process is not sufficient to effectively identify urgent health-based remediation needs or to comprehensively evaluate possible public health impacts.
>
> Without knowledge of the cleanup levels to be achieved by the end of 30 years [DOE's cleanup goal], or the technologies required to achieve such levels, DOE cannot develop reliable cost estimates for the total cleanup. (OTA report, p. 7.)

In other words, OTA found that DOE may be placing the public health at risk, the environment is threatened, and we do not know how much it will cost to clean up these facilities.

Many Department of Defense facilities across the country also present risks to the public health and the environment.

These risks were preventable.

But what went wrong at our Federal facilities that the Federal Government threatens, rather than protects, the public health?

What went wrong that DOE emitted over 300,000 pounds of radioactive uranium particles into the air at the Feed Materials Production Center at Fernald, OH—and that the agency knew of pollution at that site since 1951?

What went wrong that, according to a 1986 General Accounting Office report, almost half of the Federal hazardous waste handlers inspected by EPA were found to be in violation, some for more than 3 years? Four years later, GAO found cleanup had not begun at 600 of the most contaminated sites.

What went wrong in Oak Ridge, TN that we could have the following situation, as described by OTA:

> [M]ercury, a known neurotoxin, was used in separating lithium isotopes * * * in Oak Ridge, TN. More than a million pounds of mercury is unaccounted for; a large portion of this has been deposited in the sediment of a creek that traverses the city of Oak Ridge and was used as fill for the local civic center." (OTA report, p. 80.)

What went wrong is that the Federal agencies involved were not held accountable and did not believe they would ever be held accountable by the American Public.

But in 1976, Congress amended the Solid Waste Disposal Act. In section 6001 of that act, Congress clearly stated that Federal agencies were required to comply with Federal, State, and local requirements, including any provisions for injunctive relief. The law also requires Federal agencies to comply with requirements "in the same manner and to the same extent, as any person".

This is the policy of the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. Our hazardous waste laws should be no exception.

While I believe the intent of Congress was clear, the Federal courts are divided on this issue. To avoid perpetuating the gross violations of law documented by OTA and GAO, I am again introducing the Federal Facilities Compliance Act.

The key to compliance is enforcement. Unfortunately, the administration has adopted a policy that disables EPA's enforcement authority so that EPA is hindered from bringing an enforcement action against another agency.

Out of frustration due to repeated noncompliance, EPA is attempting to assess fines of nearly $300,000 on DOE at the Fernald, OH, facility due to that agency's intransigence. Unfortunately, DOE is claiming that EPA has no authority to assess penalties against another Federal agency.

In Hanford, WA, DOE unilaterally extended deadlines in a triparty agreement among DOE, EPA, and the State of Washington. This is contrary to the specific terms of the agreement and demonstrates that DOE continues to view compliance as optional.

These situations, and the dozens like them across the country, will change only when it is incontrovertible that the Federal Government must comply with the law. The legislation I am introducing today clarifies that EPA has administrative enforcement authority against other Federal agencies and that States are authorized to take enforcement action against Federal agencies.

Without this legislation, the public health would continue to be unprotected. Some argue that we should not add new burdens to these agencies, that we should continue with the apparent "voluntary compliance" policy.

But this policy has demonstrably not worked. The agencies will not comply without the risk of enforcement actions and penalties that would come out of their budgets. We understand that enforcement is essential to assure compliance by private industry or State and local government.

That this approach is necessary was acknowledged by EPA Administrator William Reilly in a June 13, 1989 letter to Richard Darman, head of the Office of Management and Budget, about similar legislation under consideration before the House Energy and Commerce Committee. Reilly wrote:

EPA supports the bill as adopted by the Subcommittee, and recommends that the Administration endorse the legislation. * * * [The legislation] contains many useful provisions which we believe will improve Federal facilities' compliance with the Resource Conservation and Recovery Act.

The administration unfortunately opposes this legislation. One of the concerns is that it will have an adverse impact on the budget. It is true that cleanup costs are high.

But the Congressional Budget Office found in 1989 regarding compliance costs under similar legislation that:

Federal agencies such as the Departments of Defense and Energy are planning to spend billions of dollars to comply with hazardous waste regulations, which they are already required to do under existing laws * * * Total federal compliance costs over time cannot be estimated, but are unlikely to change significantly as a result of this bill. CBO letter to Chairman Dingell of July 11, 1989, emphasis added).

CBO added that, regarding penalties assessed by EPA and State or local regulators that:

Generally, amounts assessed have not been great * * * and assessments at similar levels in the future would not increase federal outlays significantly. * * * Penalties imposed by the EPA * * * would have no net budget impact. (Ibid.)

Delay will only increase cleanup costs. Federal agencies will have an incentive to postpone making difficult and costly decisions until another budget cycle, as DOE apparently did regarding the Hanford site earlier this year, unless there is an equally powerful disincentive to delay. The risk of fines and penalties is one such disincentive.

There is concern that the States will run amuck with all this power and will skew cleanup priorities. This argument is wrong.

First, in States where they have had enforcement authority against Federal agencies there is no evidence that they have sought excessive fines or penalties. In fact, a report to EPA indicates that each State has limits on the fines and penalties the State may assess against violators.

Second, State attorneys general only bring cases referred to them by health or environment departments. They do not conduct scavenger hunts for Federal violators.

Third, States do not have enough resources to go after any but the most serious offenders. Litigation against the Federal Government is time-consuming and drains their limited resources.

Fourth, there is no national priority-setting process. No legislation is necessary to put one in place. EPA has been asking other Federal agencies to engage in such a process for some time, without success. If the administration were serious about establishing a prioritization process, it could do so at any time. I hope the agencies agree to initiate this process and that they will involve the State governments in such discussions.

We cannot afford a double standard. The Federal Government should be protecting the public health, not placing it at risk. Without adequate enforcement, the public is unnecessarily at risk. The Federal Government can and should be a model of environmental compliance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 596

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Facility Compliance Act of 1991"

FACILITY ENVIRONMENTAL ASSESSMENTS

SEC. 2. (a) Each department, agency, and instrumentality of the United States shall perform an assessment of the releases of hazardous substances (including hazardous constituents thereof) from each solid waste management unit at each hazardous substance treatment, storage, or disposal facility owned or operated by the department, agency, or instrumentality after November 19, 1980. Such assessments shall be completed within twelve months after the enactment of this section and shall indicate whether such facility and department, agency, or instrumentality is in compliance with applicable requirements of the Solid Waste Disposal Act, the Comprehensive Emergency Response, Compensation, and Liability Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxic Substances Control Act. Such assessments shall be provided to the Environmental Protection Agency and to the State in which the facility is located.

(b) FACILITY INSPECTIONS.—The Administrator of the Environmental Protection Agency shall undertake a thorough inspection annually of each facility owned or operated by a department, agency, or instrumentality of the United States that is subject to the Solid Waste Disposal Act, the Comprehensive Emergency Response, Compensation, and Liability Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxic Substances Control Act to enforce compliance with these Acts. Each annual inspection shall include an analysis of comprehensive groundwater monitoring. The records of such inspections shall be available to the public in the same manner as provided in section 3007(b) of the Solid Waste Disposal Act. The department, agency, or instrumentality owning or operating each such facility shall reimburse the Environmental Protection Agency for the costs of the inspection of the facility.

APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES

SEC. 3. (a) IN GENERAL.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) IN GENERAL.—" after "6001.";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines."; and

(4) by inserting after the second sentence the following: "For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine) against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State solid or hazardous waste law with respect to any act or omission within the scope of his official duties. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

Federal agencies are authorized, at the discretion of the Secretary of the head of the Federal department or agency concerned, to:

(1) in State criminal proceedings, represent or expend funds to represent an employee in a case in which he or she is sued, subpoenaed or charged in his or her individual capacity, when the actions for which representation is requested reasonably appear to have been performed within the scope of the employee's employment and providing representation would otherwise be in the interest of the United States;

(2) in Federal criminal proceedings, reimburse an employee for reasonable defense costs, if no indictment is brought, for actions performed within the scope of the employee's employment.

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—Such section is further amended by adding at the end the following new subsection—

"(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.".

DEFINITION

SEC. 4. (a) PERSON.—Section 1004(15) is amended by adding the following before the period: "and shall include each department, agency, and instrumentality of the United States.".

Mr. LAUTENBERG. Mr. President, today I join our distinguished majority leader in introducing the Federal Facilities Compliance Act of 1991.

The bill answers a very simple question. Does a town with a contaminated water supply care whether the polluter was a private corporation or Federal installation? Or does that town really care about getting that water cleaned up?

The answer is fairly obvious. People expect our environmental laws to guarantee protection and cleanup, regardless of who the polluter is.

That's what Congress intended back in 1976 when we passed the Resource Conservation and Recovery Act. We intended that States could use the same enforcement tools against Federal facilities as they use against private parties.

And the Federal court in Maine has properly interpreted the law's intent. So why are we introducing this bill? Because some misguided courts and the administration have concluded that the law creates a double standard. They've suggested that States can obtain fines and penalties against private parties that violate RCRA, but not against Federal agencies.

I think the law is clear on this point. But to assure that courts universally follow the law's original intent, this bill clarifies the principle.

The key is for States to have all the enforcement tools in their arsenal. The need is obvious. DOD and DOE together annually generate about 20 million tons of hazardous or mixed hazardous and radioactive waste. Last year EPA reported that it classified 52 Federal installations as being in significant noncompliance with RCRA.

Double standards for enforcement may be contributing to double standards for compliance. In fiscal year 1989, 63 percent of inspected Federal facilities had RCRA violations. That's compared to 38 percent for private facilities.

Mr. President, we may hear some arguments against clarifying State enforcement powers. Some may argue that States will abuse fines and penalties. Some may argue that States will interfere with cleanup priorities.

But without any evidence that States will abuse enforcement powers, some suggest that we have to be careful when it comes to Federal facilities.

The American people won't buy this argument. The public doesn't want to protect Federal polluters from environmental laws. They want environmental laws that protect them from Federal polluters.

I'm not worried about State environmental enforcers harming the Pentagon. I'm worried about the Pentagon exposing citizens to health risks from contaminated groundwater.

Our mission must be to assure compliance with our laws by everyone, whether it's the Defense Department or a private company.

Mr. President, that's what this bill is all about, and that's why I look forward to working with majority leader for its swift passage.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. DASCHLE, Mr. AKAKA, Mr. DECONCINI, and Mr. WELLSTONE):

S. 597. A bill to amend the Public Health Service Act to establish and expand grant programs for evaluation and treatment of parents who are substance abusers and children of substance abusers, and for other purposes; to the Committee on Labor and Human Resources.

CHILDREN OF SUBSTANCE ABUSERS

Mr. DODD. Mr. President, I rise today to introduce the Children of Substance Abusers Act, which will help address one of the most critical problems threatening the stability of many families today. I am joined in this effort by the distinguished chairman of the Labor Committee, Senator KENNEDY, as well as by Senators ADAMS, DASCHLE, AKAKA, DECONCINI, and WELLSTONE, all of whom have shown great dedication to addressing the problems of these children and families.

During this Congress, the Subcommittee on Children, Family, Drugs, and Alcoholism, which I chair, will focus on policies to strengthen families and ensure a nurturing environment for children. We see many families besieged by problems such as poverty, homelessness, and the struggle to make ends meet. Alcohol and drug abuse poses a different threat, one that destroys from within. Substance abuse cuts across income levels. But when it encounters the first set of problems I mentioned, it can push a family right over the edge.

Addiction threatens the family in several ways. It can deprive the child of the parent's attention and concern, as the parent becomes preoccupied with the addiction. It can deprive the family of its means of subsistence, as financial resources go to feeding the addiction. It can threaten the physical and emotional well-being of the children, who are at increased risk for abuse and neglect. For children severely affected by exposure to alcohol or other drugs before birth, it can rob them of their future. And it can threaten the family's ability to stay together, as child after child is placed in foster care because of parental substance abuse.

Much has been said about the crack cocaine epidemic being unusual in its involvement of women and, therefore, in its greater impact on children. The National Institute on Drug Abuse estimates that almost 1 in 10 women of childbearing age use at least one illicit drug. When these women seek treatment, however, they often find insurmountable barriers to obtaining it.

The basic problem is that most treatment programs lack the kinds of services that make treatment appropriate for women who have a range of problems extending far beyond addiction. Many were physically or sexually abused as children. Substance abuse often is found in their family backgrounds. They lack parenting skills and skills to make them employable. Most important, they have children who need care. In short, they need a lot of support before treatment becomes feasible for them.

What of the children in these families for whom there is nowhere to turn? We become aware of them when they suffer negative consequences of their parents' addiction. We see them in neonatal intensive care units—they take up almost one-third of the beds in this unit at New York's Metropolitan Hospital, which I visited last year. We see them when the police raid crack houses. We see them when we look at swelling foster care placements. And we will see them fighting their own addictions. But we do not see them when we might prevent some of this from happening.

The Children of Substance Abusers Act, or COSA bill, will give these families somewhere to turn. The heart of the bill is the COSA Grant Program, which will provide $100 million for comprehensive services to support children and families where substance abuse is present. A major goal of these grants is to reach out to and preserve families. But the key to the program's approach is the children. Therefore, children living with foster or adoptive parents or relatives also would be eligible for services.

Moreover, the program's services are not confined to children exposed to alcohol or other drugs before birth and their siblings. Rather, the bill ensures that all children whose parents abuse alcohol or other drugs can enter the program, receive a thorough assessment, and receive a range of services. It is this feature that makes the COSA grants unique.

The COSA bill also addresses a critical need noted by witness after witness at our hearings. Professionals, such as doctors, nurses, child welfare workers, and teachers, all perform work that brings them into contact with these children and families. The bill provides $20 million for curriculum development and training for these professionals on how to identify and address the effects of familial substance abuse.

It is not enough, however, to react to the problems facing families when they have reached a critical point. We must begin to build a continuum of services based on the concept that vulnerable families need early, preventive services if they are to become strong families. Therefore, the COSA bill includes $50 million for grants to develop home visiting programs, an approach repeatedly shown to improve maternal and child health.

Home visitors provide help ranging from parenting information to a ride to the doctor's office for prenatal care. It is not a new idea, but we don't seem to get the message. I hope this time home visiting is truly, as one evaluation wryly noted, an idea whose time has come—again.

Mr. President, we have talked about this problem literally for years. We have all trooped through the crack baby wards. We have all seen the television reports on children abused and neglected because their parents were on drugs. We have all listened to the experts. We should never stop trying to learn. But at some point we have to start doing something.

The COSA program is an important statement that we recognize that these families need help and support. I urge my colleagues to support this legislation and give these children and their families somewhere to turn.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. I further ask unanimous consent that several letters endorsing the bill be printed in the RECORD.

S. 597

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 "Children of Substance Abusers Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an estimated 375,000 infants each year are exposed to drugs before birth and an estimated 5,000 infants have documented cases of Fetal Alcohol Syndrome which result in a distinct cluster of congenital birth defects;

(2) there are an estimated 28,600,000 children of alcoholics in the United States, of whom 6,600,000 are under the age of 18, and an estimated total of 9,000,000 to 10,000,000 children under the age of 18 are affected by a type of parental substance abuse;

(3) children of alcoholics and other drug abusers are at risk of developing a range of physical, psychological, emotional, and developmental problems, and of becoming substance abusers themselves;

(4) alcohol and other drugs are a factor in an increasing number of child abuse and neglect cases, and placements in foster care have risen almost 30 percent since 1986, resulting in the disruption of families;

(5) pregnant women often have difficulty in obtaining drug or alcohol treatment because of the risks their pregnancies pose, and women in general are underrepresented in drug and alcohol treatment programs;

(6) parents, particularly women, often have a range of additional problems that must be addressed, including their own physical or sexual abuse, chemical dependency in their family backgrounds, lack of job skills, and high levels of family conflict and violence;

(7) effective treatment must be comprehensive and address the needs of the entire family, and where possible, be directed at preserving the family;

(8) children whose parents are substance abusers must have access to services regardless of the participation of their parents, and caretakers other than parents also need supportive services;

(9) earlier intervention with vulnerable families is needed to strengthen families and prevent crises from developing, including those stemming from parental substance abuse; and

(10) home visiting has been proven to contribute to healthy births, the healthy development of children, and the development of better parenting skills and social support networks.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the ability of mothers and fathers who are substance abusers to participate in alcohol and drug treatment;

(2) to ensure that the physical, emotional, and psychological needs of children of substance abusers, including children exposed to drugs or alcohol before birth, are identified, assessed, and addressed;

(3) to promote the economic and social well-being of families in which a parent is a substance abuser by providing comprehensive services directed at the entire family;

(4) to develop a service delivery system to provide family intervention based on a case management approach;

(5) to promote early intervention through the use of home visiting to families with children at risk of health or developmental complications; and

(6) to promote the healthy development of children and preserve families by improving parenting skills and providing support systems of social services.

TITLE I—SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS

SEC. 101. SERVICES.

Title III of the Public Health Service Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new part:

"Part M—Services for Children of Substance Abusers

"SEC. 399D. DEFINITIONS.

"As used in this part:

"(1) CARETAKER OF A CHILD OF A SUBSTANCE ABUSER.—The term 'caretaker of a child of a substance abuser' means a birth parent, foster parent, adoptive parent, relative of a child of a substance abuser, or other individual acting in a parental role.

"(2) CHILD OF A SUBSTANCE ABUSER.—The term 'child of a substance abuser' means any child of a substance abuser, including a child born to a mother who abused alcohol or other drugs during pregnancy or any child living in a household with an individual acting in a parental role who is a substance abuser.

"(3) COMMUNITY OUTREACH SERVICES.—The term 'community outreach services' means services provided by a public health nurse, social worker, or similar professional, or by a trained volunteer supervised by a professional, to—

"(A) accomplish early identification of families where substance abuse is present;

"(B) accomplish early identification of children affected by parental substance abuse;

"(C) provide counseling to substance abusers on the benefits and availability of substance abuse treatment services and services for children of substance abusers;

"(D) assist substance abusers in obtaining and using substance abuse treatment services and services for children of substance abusers; and

"(E) visit and provide support to substance abusers, especially pregnant women, who are receiving substance abuse treatment services or services for children of substance abusers.

"(4) RELATED SERVICES.—The term 'related services' means services provided by—

"(A) education and special education programs;

"(B) Head Start programs established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) other early childhood programs;

"(D) employment and training programs;

"(E) public assistance programs provided by Federal, State, or local governments; and

"(F) programs offered by vocational rehabilitation agencies, recreation departments, and housing agencies.

"(5) SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.—The term 'services for children of substance abusers' includes—

"(A) in the case of children of substance abusers—

"(i) periodic evaluation of children for developmental, psychological, and medical problems;

"(ii) primary pediatric care, consistent with early and periodic screening, diagnostic, and treatment services described in section 1905(r) of the Social Security Act (42 U.S.C. 1396d(r));

"(iii) other necessary and mental health services;

"(iv) therapeutic intervention services for children, including provision of therapeutic child care;

"(v) preventive counseling services;

"(vi) referral to related services, and assistance in establishing eligibility for related services; and

"(vii) additional developmental services that are consistent with the definition of 'early intervention services' in Part H of title VI of the Individuals with Disability Education Act (20 U.S.C. 1471 et seq.);

"(B) in the case of substance abusers—

"(i) assessment of adult roles other than parenting, including periodic evaluation of social status, economic status, educational level, psychological condition, and skill level;

"(ii) primary health care and mental health services, including prenatal and post partum care for pregnant women;

"(iii) consultation and referral regarding subsequent pregnancies and life options, including education and career planning;

"(iv) where appropriate counseling regarding family conflict and violence;

"(v) remedial education services; and

"(vi) referral to related services, and assistance in establishing eligibility for related services; and

"(C) in the case of substance abusers, spouses of substance abusers, extended family members of substance abusers, caretakers of children of substance abusers, and other people significantly involved in the lives of substance abusers or the children of substance abusers—

"(i) an assessment of the strengths and service needs of the family and the assignment of a case manager;

"(ii) therapeutic intervention services, such as parental counseling, joint counseling sessions for families and children, and family therapy;

"(iii) child care and respite care services;

"(iv) parenting education services and parent support groups;

"(v) support services, including, where appropriate, transportation services;

"(vi) where appropriate, referral of other family members to related services such as job training; and

"(vii) aftercare services, including continued support through parent groups and home visits.

"(6) SUBSTANCE ABUSE.—The term 'substance abuse' means the abuse of alcohol or other drugs.

"(7) SUBSTANCE ABUSER.—The term 'substance abuser' means a pregnant woman, mother, father, or other individual acting in a parental role who abuses alcohol or other drugs.

"Subpart I—Grants for Services for Children of Substance Abusers

"SEC. 399E. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to eligible entities to pay for the Federal share of the costs of establishing programs to provide community outreach services and services for children of substance abusers.

"(b) USE OF FUNDS.—

"(1) SERVICES PROVIDED.—An eligible entity shall use grants made under subsection (a) to provide, either directly or by contract or agreement—

"(A) the services described in section 399D(5)(A) and community outreach services to the children of substance abusers, including children not living with their parents;

"(B) the services described in section 399D(5)(B) and community outreach services to substance abusers; and

"(C) the services described in section 399D(5)(C) to substance abusers, spouses of substance abusers, extended family members of substance abusers, caretakers of children of substance abusers, and other people significantly involved in the lives of substance abusers or the children of substance abusers.

"(2) SERVICE CHARACTERISTICS.—A program established through a grant made under this section shall—

"(A) provide comprehensive services directed at the needs of the entire family, including caretakers of children of substance abusers;

"(B) be accessible to recipients of community outreach services and services for children of substance abusers;

"(C) maintain the confidentiality of information about substance abusers with respect to substance abuse treatment or receipt of community outreach services, services for children of substance abusing, or related services;

"(D) coordinate the referral and provision of services with other services for children of substance abusers, substance abuse treatment services, and related services;

"(E) use service providers from a variety of disciplines;

"(F) provide long-term services; and

"(G) provide a range of services corresponding to the varying needs of recipients of community outreach services and services for children of substance abusers.

"(c) GRANT AWARDS.—In making grants under subsection (a), the Secretary shall ensure that the grants are—

"(1) reasonably distributed among the three types of eligible entities described in subsection (e);

"(2) distributed to an adequate number of eligible entities that—

"(A) provide residential treatment to substance abusers and provide appropriate therapeutic services to meet the needs of children of substance abusers while they reside with their parents during treatment;

"(B) provide in-home and community-based services on an out-patient basis; or

"(C) provide residential care for the parent with the child participating in the provision of such care while residing with a caretaker, and provide outreach, supportive, and therapeutic services for the child and the caretaker;

"(3) distributed to give priority to areas with a high incidence of poverty and a high incidence of children of substance abusers, infant mortality, infant morbidity, or child abuse; and

"(4) distributed to ensure that entities serving Native American and Hawaiian communities are represented among the grantees.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require. At a minimum, each application shall contain—

"(1) a description of the services to be provided, which shall meet the requirements of subsection (b)(2);

"(2) information demonstrating an ongoing mechanism to involve the local public agencies responsible for health, mental health, child welfare, education, juvenile justice, developmental disabilities, and substance abuse treatment programs in planning and providing community outreach services, services for children of substance abusers, and substance abuse treatment services as well as evidence that the proposal contained in the application has been coordinated with the State agencies responsible for administering those programs and the State agency responsible for administering public maternal and child health services;

"(3) information demonstrating that the applicant has established a relationship with child welfare agencies and child protective services that will enable the applicant, where appropriate, to—

"(A) provide advocacy on behalf of substance abusers and the children of substance abusers in child protective services cases;

"(B) provide services to help prevent the unnecessary placement of children in substitute care; and

"(C) promote reunification of families or permanent plans for the placement of the child;

"(4) an assurance that the applicant will coordinate with the State lead agency and Interagency Coordinating Council as defined in Part H of title VI of the Individuals with Disability Education Act (20 U.S.C. 1476 and 20 U.S.C. 1482);

"(5) an assurance that the applicant will obtain at least 10 percent of the costs of providing services for community outreach services and services for children of substance abusers from non-Federal funds;

"(6) an assurance that nonresidential programs, if any, will incorporate home-based services;

"(7) an assurance that the applicant will initiate and maintain efforts to enter substance abusers to whom they provide services into appropriate substance abuse treatment programs;

"(8) baseline information (including health status information) regarding the population to be targeted and the service characteristics of the community; and

"(9) an assurance that the applicant will submit to the Secretary an annual report containing—

"(A) a description of specific services and activities provided under the grant;

"(B) information concerning the extent of use of services provided under the grant, including number of referrals to related services;

"(C) information concerning the extent to which parents were able to access treatment for alcohol and drug abuse and sustain participation in treatment and the extent to which parents re-enter treatment after the successful or unsuccessful termination of treatment;

"(D) information concerning the costs of the services provided;

"(E) information concerning—

"(i) the number and characteristics of families, parents, and children served, including a description of the type and severity of childhood disabilities, and an analysis of the number of children served by age;

"(ii) the number of children served who remained with their parents during the period in which entities provided services under this section;

"(iii) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(iv) the number of children described in clause (iii) who were reunited with their families; and

"(v) the number of children described in clause (iii) for whom a permanent plan has not been made or for whom the permanent plan is other than family reunification; and

"(F) such other information as the Secretary determines to be appropriate.

"(e) ELIGIBILITY.—Entities eligible to receive a grant under this section shall include—

"(1) alcohol and drug treatment programs, especially those providing treatment to pregnant women and mothers and their children;

"(2) public or private nonprofit entities that provide health or social services to disadvantaged populations, including community-based organizations, local public health departments, community action agencies, hospitals, community health centers, child welfare agencies, developmental disabilities service providers, and family resource and support programs, and that have—

"(A) expertise in applying the services to the particular problems of substance abusers and the children of substance abusers; and

"(B) an affiliation or contractual relationship with one or more substance abuse treatment programs; and

"(3) consortia of public or private nonprofit entities that include at least one substance abuse treatment program.

"(f) FEDERAL SHARE.—The Federal share of grants provided under this section shall be 90 percent. The Secretary shall accept the value of in-kind contributions made by the grant recipient as a part or all of the non-Federal share of grants.

"(g) EVALUATION.—The Secretary shall periodically conduct evaluations to determine the effectiveness of programs supported under subsection (a)—

"(1) in reducing the incidence of alcohol and drug abuse among substance abusers participating in the programs;

"(2) in preventing adverse health conditions in children of substance abusers;

"(3) in improving the health, developmental, and psychological status of children receiving services under the program;

"(4) in improving parental and family functioning;

"(5) in reducing the incidence of out-of-home placement for children whose parents receive services under the program; and

"(6) in facilitating the reunification of families after children have been placed in out-of-home care.

"(h) REPORT.—The Secretary shall annually prepare and submit to appropriate committees of Congress a report that contains a description of programs carried out under this section. At a minimum, the report shall contain—

"(1) information concerning the number and type of programs receiving grants;

"(2) information concerning the type and use of services offered;

"(3) information concerning—

"(A) the number and characteristics of families, parents, and children served;

"(B) the number of children served who remained with their parents during or after the period in which entities provided services under this section;

"(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

"(D) the number of children described in subparagraph (C) who were reunited with their families; and

"(E) the number of children described in subparagraph (D) who were permanently placed in out-of-home care;

analyzed by the type of eligible entity described in subsection (e) that provided services;

"(4) an analysis of the access provided to, and use of, related services and alcohol and drug treatment through programs carried out under this section; and

"(5) a comparison of the costs of providing services through each of the types of eligible entities described in subsection (e).

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for each of the 1992 and subsequent fiscal years.

"SEC. 399F. COORDINATION AND INFORMATION.

"(a) COORDINATION.—In carrying out the provisions of this subpart the Secretary shall ensure that the activities and services assisted provided under this subpart are coordinated with the activities and services assisted under section 509F, and shall ensure coordination with and consultation regarding expanding and improving services for parents who are substance abusers and their children, among—

"(1) the Administrator of the Health Resources and Services Administration;

"(2) the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration;

"(3) the Commissioner of the Administration for Children, Youth, and Families;

"(4) the Commissioner of the Administration on Developmental Disabilities; and

"(5) other appropriate officials within the Department of Education.

"(b) STUDY.—Not later than 1 year after the date of enactment of this part, the Secretary shall conduct a study and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report concerning—

"(1) the various efforts within the Department of Health and Human Services to address the needs of parents who are substance abusers and the needs of the children of such parents; and

"(2) the ways in which—

"(A) coordination among the efforts described in paragraph (1) can be improved; and

"(B) duplication of the efforts described in paragraph (1), if any, can be reduced.

"(c) DATA COLLECTION.—The Secretary shall periodically collect and report on information concerning the numbers of children in substance abusing families, including information on the age, gender and ethnicity of the children and the composition and income of the family.

"Subpart II—Grants for Training on Substance Abuse in Families

"SEC. 399G. GRANTS FOR TRAINING ON SUBSTANCE ABUSE IN FAMILIES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants for the training of professionals and other staff who provide services to, or come in contact with, children and families of substance abusers.

"(b) TRAINING STRATEGY.—Not later than 6 months after the date of enactment of this part, the Administrator of the Health Resources and Services Administration shall identify the training needs of professionals and other staff who provide services to, or come in contact with, children and families of substance abusers and develop a strategy for the establishment and implementation of curriculum to satisfy such training needs. In developing such strategy, the Administrator shall collaborate with—

"(1) the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration;

"(2) the Commissioner of the Administration on Children, Youth, and Families;

"(3) the Commissioner of the Administration on Developmental Disabilities;

"(4) relevant officials in the Department of Education; and

"(5) representatives of State agencies responsible for administering health programs including maternal and child health, mental health, substance abuse treatment, child welfare, education, juvenile justice, and developmental disabilities programs.

"(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section an entity shall—

"(1) be a public or private nonprofit entity with expertise in providing training or services involving substance abuse or children of substance abusers; and

"(2) be an entity that provide services to, or comes into contact with, substance abusers and children and families of substance abusers, including those entities that provide community outreach services and services for children of substance abusers as described in section 399E.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including—

"(1) a description of the training to be provided or purchased with the assistance provided under the grant;

"(2) a description of the qualifications of the entity providing the training;

"(3) in cases where the training provider is the entity applying for the grant, information indicating the commitment of entities that will be recipients of the training to participate in the training program;

"(4) in the case of applications for grants that will be used to provide the services described in subsection (e)(4), assurances that the agencies that are the training recipients will continue to use the approach to service delivery that is the subject of such training to address cases involving children of substance abusers; and

"(5) any other information determined appropriate by the Secretary.

"(e) USE OF FUNDS.—An entity that receives a grant under subsection (a) shall use the grant proceeds—

"(1) to develop and disseminate interdisciplinary curricula for training professionals and other staff who provide services to children and families of substance abusers, including community outreach services, or who provide services that bring the professionals into contact with substance abusers, children and families of substance abusers, or caretakers of children of substance abusers;

"(2) to provide or purchase training for staff or volunteers in programs specifically designed to provide community outreach services and services for children of substance abusers, as defined in section 399D;

"(3) to provide or purchase training for professionals and other staff whose regular duties involve the provision of services to children and families of substance abusers or to caretakers of children of substance abusers, except that such training—

"(A) shall cover topics including identification, referral, and evaluation of substance abusers, family members affected by substance abuse, and caretakers of children of substance abusers, and, where appropriate, specialized techniques for providing services to these families; and

"(B) shall be attended by representatives from at least one and, to the maximum extent practicable, two or more of agencies responsible for the provision of child protective and child welfare services, health care, developmental services, education, including school administrators, social workers, and teachers, mental health, judiciary, public health, and social services; and

"(4) to provide or purchase training, case support, and consultation to interdisciplinary teams of personnel from child protective service or child welfare agencies and personnel from public health, mental health, developmental service providers, or social services agencies or from entities providing those services, in order for such teams to provide support to, and arrange services for, caretakers of children of substance abusers, except that such training shall—

"(A) include instruction on the effects of prenatal substance abuse, the implications of such substance abuse for infant care, health, and development, and methods of providing instruction and support for caretakers of children of substance abusers;

"(B) support an approach to service delivery that is interagency, interdisciplinary, comprehensive, oriented toward case management, and focused on improving the health and development of the child;

"(C) be provided in sessions that include participants from all agencies contributing members to the team; and

"(D) be provided in classroom, home-based, and clinical settings.

"(f) GRANT AWARDS.—In awarding grants under subsection (a), the Secretary shall—

"(1) consult with the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, the Commissioner of the Administration on Children, Youth, and Families and the Commissioner of the Administration on Developmental Disabilities;

"(2) ensure that grants are awarded in a manner consistent with the training strategy developed under subsection (b); and

"(3) be reasonably distributed among the grantee types described in subsection (c).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 1992 and for each such subsequent fiscal year.".

TITLE II—HOME-VISITING SERVICES FOR AT-RISK FAMILIES

SEC. 201. HOME-VISITING SERVICES.

Part L of title III of the Public Health Service Act is amended—

(1) by redesignating sections 399 and 399A (42 U.S.C. 280c-4 and 280c-5) as sections 398A and 398B, respectively; and

(2) by adding at the end thereof the following new subpart:

"Subpart III–Grants for Home-visiting Services for At-risk Families

"SEC. 398E. DEFINITIONS.

"As used in this subpart:

"(1) ELIGIBLE FAMILY.—The term 'eligible family' means a family that includes—

"(A) a pregnant woman who is at risk of delivering an infant with a health or developmental complication; or

"(B) a child below the age of 3 who has experienced or is at risk for a health or developmental complication.

"(2) HEALTH OR DEVELOPMENTAL COMPLICATION.—The term 'health or developmental complication' means—

"(A) low birthweight;

"(B) a physical or developmental disability; or

"(C) exposure to parental substance abuse.

"(3) HOME VISITING SERVICES.—The term 'home visiting services' means services that provide—

"(A) assistance in obtaining health care, including continuous prenatal and pediatric care;

"(B) education on pregnancy, infant care, parenting, child development, and child abuse prevention;

"(C) assistance in developing support networks, including relationships with mentors and other female or maternal models;

"(D) assistance in obtaining necessary health, mental health, developmental, and social services, including services offered by maternal and child health programs, the special supplemental food program for women, infants, and children, authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and early and periodic screening, diagnostic, and treatment services, as described in section 1905(r) of the Social Security Act (42 U.S.C. 1396d(r));

"(E) respite services;

"(F) consultation and referral regarding subsequent pregnancies and life options, including education and career planning; and

"(G) initial developmental assessments and service follow up.

"(4) HOME VISITOR.—The term 'home visitor' means a person who provides home visiting services.

"SEC. 398F. HOME-VISITING SERVICES.

"(a) ESTABLISHMENT.—The Secretary shall make competitive grants to eligible entities to pay for the Federal share of the costs of providing home visiting services to eligible families. The Secretary shall award grants for periods of at least 3 years, but no more than 5 years.

"(b) PURPOSES.—The purposes of this section are—

"(1) to increase the use of prenatal care;

"(2) to reduce the incidence of infants born prematurely, with low birthweight, or with other impairments associated with maternal substance abuse;

"(3) to assist pregnant women and mothers of children below the age of 3 whose children have experienced, or are at risk of experiencing, a health or developmental complication in obtaining health and social services necessary to meet the special needs of the women and their children;

"(4) to identify, where possible, women who are pregnant or have young children and are abusing alcohol or other drugs and to assist them in obtaining appropriate treatment;

"(5) to reduce the incidence of child abuse and neglect; and

"(6) to promote other measures to encourage appropriate growth and development of children.

"(c) GRANT AWARDS.—In awarding grants under this section, the Secretary shall—

"(1) give priority to entities that—

"(A) have experience in providing outreach services and preventive public health services to at-risk populations;

"(B) have demonstrated a commitment to serving low income and uninsured individuals and families; and

"(C) where appropriate for the proposed target population, have experience in providing outreach and preventive public health services to families with alcohol and drug problems; and

"(2) ensure that entities targeting families where substance abuse is present and entities serving Native American communities are represented among the grantees.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary by regulation requires. At a minimum, each application shall contain—

"(1) a description of the population to be targeted for home visiting services;

"(2) a description of the objectives to be met through the provision of the services by the entity, and a plan for measuring the progress made toward achieving such objectives;

"(3) a description of the services to be provided by the entity and the means the entity will use to provide outreach to eligible families;

"(4) information demonstrating the existence of adequate health and social services in the community and the ability of the applicant to obtain access to the services for eligible families;

"(5) assurances that the entity will provide case planning for eligible families that incorporates an interdisciplinary approach and, to the extent practicable, interagency involvement;

"(6) a description of the types and qualifications of home visitors used by the entity, including assurances that to meet the objectives of the program, the home visitors will, where appropriate, receive training in recognizing and addressing, on making referrals to address, parental substance abuse and its effects on children;

"(7) a description of the process by which the entity will provide continuing training, adequate supervision, and sufficient support to home visitors to ensure that home visitors are competent to render effective home visiting services;

"(8) assurances that the entity will provide home visiting services conducted by—

"(A) public health nurses, social workers, child welfare professionals, or other health or mental health professionals including developmental service providers who are trained or have experience in home visiting services; or

"(B) teams of home visitors, which shall include at least one individual described in subparagraph (A) and which may include workers recruited from the community and trained in home visiting services;

"(9) assurances that the entity will provide home visiting services with reasonable frequency—

"(A) to families with pregnant women, as early in the pregnancy as is practicable, and until the infant reaches at least 1 year of age;

"(B) to other eligible families, for at least 1 year;

"(10) assurances that the entity will deliver home visiting services in a manner that accords proper respect to the cultural traditions of the eligible families;

"(11) information demonstrating that the applicant is familiar with the socioeconomic and cultural groups who will receive home visiting services from the entity;

"(12) an assurance that the applicant will obtain at least 10 percent of the costs of providing home visiting services from non-Federal funds;

"(13) an assurance that the applicant will spend not more than 10 percent of the Federal funds received under this subpart on other administrative costs, exclusive of training;

"(14) an assurance that the applicant will submit the report required by subsection (g), and

"(15) evidence that the development of the proposal has been coordinated with the State agencies responsible for maternal and child health and child welfare as well as evidence of the existence of a mechanism to ensure continuing collaboration and consultation with these agencies.

"(e) ELIGIBILITY.—Entities eligible to receive a grant under this section shall include public and private nonprofit entities that provide health or other social services to disadvantaged populations, including community-based organizations, hospitals, local health departments, community health centers, developmental service providers, child welfare agencies, and family resource and support programs.

"(f) FEDERAL SHARE.—The Federal share of grants provided under this section shall be 90 percent. No more than 10 percent of Federal funds provided under this subpart may be used for other administrative costs, exclusive of training.

"(g) REPORT AND EVALUATION.—

"(1) REPORT.—To be eligible to receive a grant under this section, an entity shall agree to submit an annual report on the services provided under this section to the Secretary in such manner and containing such information as the Secretary by regulation requires. At a minimum, the entity shall report information concerning eligible families, including—

"(A) the characteristics of the families and children receiving services under this section;

"(B) the use, type, and location of the provider of preventive health services, including prenatal, primary infant, and child health care;

"(C) the incidence of low birthweight and premature infants;

"(D) the length of hospital stays for post partum women and their children;

"(E) the incidence of substantiated child abuse and neglect for all children within participating families;

"(F) the number of emergency room visits for routine health care;

"(G) the number and type of referrals made for other social services; and

"(H) the incidence of developmental disabilities.

"(2) EVALUATION.—The Secretary shall periodically conduct evaluations to determine the impact of programs supported under subsection (a) on the criteria specified in paragraph (1).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for the 1992 fiscal year and such sums as may be necessary for subsequent fiscal years.".

TITLE III—TREATMENT

SEC. 301. ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICE BLOCK GRANTS.

Section 1916 of the Public Health Service Act (42 U.S.C. 300x-4) is amended—

(1) in subsection (c)(14), by striking "10 percent" and inserting "20 percent";

(2) in subsection (c), by adding at the end the following new paragraph:

"(22) The State agrees—

"(A) to ensure that treatment services for the abuse of alcohol and drugs that comply with minimum standards established by the State are available to each woman in the State who—

"(i) is pregnant;

"(ii) seeks or is referred to treatment services; and

"(iii) would benefit from treatment services;

"(B) in carrying out subparagraph (A)—

"(i) with respect to programs in the State that provide treatment services for the abuse of alcohol and drugs to women described in subparagraph (A), to—

"(I) identify the programs;

"(II) publicize the availability of treatment services from the programs; and

"(III) provide to the Secretary a list of the programs and an assessment of the capability of the programs to meet the treatment needs of women described in subparagraph (A); and

"(ii) to require that, in the event that a treatment program has insufficient capacity to treat a woman described in subparagraph (A), the program shall refer the woman to the State for referral to a program with the capacity to provide treatment services; and

"(C) if the State or the Secretary determines that the capacity of treatment programs in the State is insufficient to comply with subparagraph (B)(ii), that the State will establish quantitative goals and develop and implement a program, approved by the Secretary, for the provision of adequate treatment capacity to meet the needs of each woman described in subparagraph (A) in the State."; and

(3) in subsection (f), by striking the second sentence and inserting the following new sentence: "The report shall include—

"(1) a detailed description of the programs and services;

"(2) an assessment of the adequacy of the programs and services in meeting—

"(A) the alcohol and drug abuse treatment needs of women; and

"(B) the mental health needs of severely disturbed children and adolescents;

"(3) with respect to programs and services provided in accordance with subsection (c)(14)—

"(A) a description of the process used to award funds to the programs and services;

"(B) a description of the programs and services provided by the State that constitute—

"(i) services for children of substance abusers, as defined in section 399(5);

"(ii) services that provide substance abuse and other treatment both to substance abusers who are mothers and to their children;

"(iii) outpatient services that provide treatment both to substance abusers who are mothers and to their children; and

"(iv) residential treatment services that provide treatment to substance abusers who are mothers and allow their children to reside with the mothers during treatment;

"(C) information concerning the number of spaces available for pregnant women, mothers, infants, and children in each of the types of services described in clauses (i) through (iv) of subparagraph (B); and

"(D) an evaluation of the extent to which the programs and services increase the availability of spaces for pregnant women, mothers, infants, and children in the services described in clauses (i) through (iv) of subparagraph (B); and

"(4) such other information, including legislative and administrative recommendations, as the Secretary determines to be appropriate.".

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, February 25, 1991.

Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: On behalf of the Academy, whose 40,000 members are dedicated to the promotion of maternal and child health, I want to inform you of our strong support for your proposed amendment to the Public Health Service Act establishing and expanding grant programs for evaluation and treatment of parents who are substance abusers, and children of substance abusers.

This important new measure, the Children of Substance Abusers Act, would help increase the availability of treatment for parents, particularly mothers, who are substance abusers. I would help ensure that the physical, emotional and psychological needs of children of substance abusers, including children exposed to drugs or alcohol before birth, are identified, assessed and addressed. The economic and social well-being of families in which a parent is a substance abuser would be enhanced. By providing comprehensive services directed at the entire family, it would help prevent child abuse by improving parenting skills and providing support systems of social services.

Under your leadership, it is our hope that the Senate will act expeditiously in support of this legislation during the current Congress.

Sincerely,

ANTOINETTE PARISI EATON, M.D.,
President.

CHILD WELFARE LEAGUE OF AMERICA, INC.,
Washington, DC, February 22, 1991.

Hon. CHRISTOPHER DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The Child Welfare League of America and its 650 member agencies throughout the country appreciate your outstanding leadership on behalf of children. We strongly support your plans to reintroduce the "Children of Substance Abusers Act" in the 102nd Congress.

Child Welfare agencies and pediatric health care providers throughout the country are seeing the alarming impact of the maternal use of alcohol and drugs on infants and children. These families are in need of a broad range of health and social services if they are to overcome the detrimental consequences of alcohol and other drugs. The Children of Substance Abusers Act (COSA) provides essential services to children of substance abusers to address their multiple and often complex physical, psychological and developmental needs. It also provides for critically needed home visiting services as an effective intervention into the seriously dysfunctional patterns that characterize substance abusing families.

Of equal importance are the provisions in COSA for training on substance abuse for professionals and staff. Child welfare agencies, as well as other service providers, urgently need access to training resources to enable them to effectively respond to the needs of substance abusing families and their children. In addition to these provisions, COSA significantly strengthens the ADAMHA Block Grant for women and, consequently, for their children by increasing the funding set-aside for treatment services for women to 20% and by placing greater emphasis on the responsibilities of states for responding to the drug treatment needs of women.

The Child Welfare League of America strongly supports COSA and thanks you for your dedication and commitment to children. We look foward to working with you toward the enactment of COSA.

Sincerely,

DAVID S. LIEDERMAN,
Executive Director.

CHILDREN'S DEFENSE FUND,
Washington, DC, March 6, 1991.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: The Children's Defense Fund is pleased to offer its support for the Children of Substance Abusers Act—another example of your strong commitment to improving the lives of our nation's children. The Act recognizes the critical need for a significantly expanded response to children and families whose lives are being ravaged by alcohol and drug abuse.

Your measure would strengthen existing health, mental health, substance abuse treatment and child welfare systems so that they are able to protect children more adequately and address families' needs for comprehensive treatment and services. We are pleased that the Act not only encourages interdisciplinary service programs, but also recognizes the need for joint efforts across child-serving systems.

The Act's provisions will ensure children and their families a full range of health, mental health, substance abuse treatment, and social services. The Act also takes additional steps which we believe are extremely important. It provides for enhanced outreach, through home visitor programs, to ensure that families actually receive these services and also encourages the development of community and extended family supports and after care services to help sustain the benefits which families receive from treatment and services. The provisions for staff training also help maximize the benefits of these new services.

We are pleased that the Act addresses the special needs of pregnant women who abuse subtances and children born exposed to substances, and also recognizes the ongoing supports needed by these women, their infants, other children, and extended family mem-

bers. The comprehensive services and supports you propose will help promote more positive birth outcomes, minimize impairments to children from parental substance abuse, and protect children from abuse and neglect in the future.

The Children of Substance Abusers Act represents an important step forward in protecting our next generation and our nation's future. My staff and I look forward to working with you toward its enactment.

Sincerely yours,

MARIAN WRIGHT EDELMAN.

CHILDREN OF ALCOHOLICS FOUNDATION, INC.,
New York, NY, February 25, 1991.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: The Children of Alcoholics Foundation supports your efforts to expand services to children of alcoholics and other drug abusers through the Children of Substance Abusers Act of 1991.

There are 28 million children of alcoholics in the United States, 7 million of whom are under the age of 18. Because alcoholism runs in families, children of alcoholics are three to four times more likely to become alcoholics than other children. They are also at greater risk to abuse other drugs, drop out of school and attempt suicide. The physical, mental and emotional problems caused by parental drinking affect children without regard for their ethnic background or socioeconomic status.

The Children of Substance Abusers Act correctly recognize that it is not necessarily enough to help a parent who is abusing alcohol or other drugs. Children need and deserve help for themselves if they are to learn to cope and to avoid the tragic cycle of family alcoholism and drug abuse. This bill also provides for training in parenting skills, an important service, especially for those parents who themselves may come from families plagued with alcoholism and drug abuse.

Passage of the Children of Substance Abusers Act would offer hope and help to the millions of Americans who live in the shadow of alcohol and drug abuse. We applaud your leadership in proposing this legislation.

Sincerely,

MIGS WOODSIDE,
President.

THE NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS AND RELATED INSTITUTIONS, INC.,
Alexandria, VA, February 26, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Subcommittee on Children, Family, Drugs and Alcoholism, U.S. Senate, Washington, DC.

DEAR SENATOR DODD: NACHRI, the only national, voluntary association of children's hospitals, commends your efforts to address the needs of children and families impacted by drug abuse. Your legislation, the "Children of Substance Abusers Act," is the first to provide comprehensive, coordinated health and supportive services for children and families to meet the long-term needs of the tragic victims of substance abuse.

Children's hospitals around the country are now seeing children with both immediate and long-term health problems resulting from their perinatal drug exposure. An informal survey of selected children's hospitals indicates that these hospitals are caring for an increasing number of newborns and infants who have been exposed to cocaine, crack, alcohol and other drugs. Their care needs are complex and require multi-disciplinary services which go far beyond their clinical care to include intensive family interventions plus long-term developmental and rehabilitative services. In the face of this escalating problem, children's hospital staff are learning quickly how to identify these babies, how to develop multi-disciplinary approaches to their care, and how to coordinate community-based services for them and their mother after they leave the hospital. However, their work is hampered by the lack of drug treatment programs which will treat women, particularly women with young children; by the lack of available family support services in the community; and by an extremely over-burdened child welfare system.

NACHRI is gratified that your bill would create, for the first time, a coordinated and comprehensive approach to the multi-disciplinary health needs of children of substance abusers and their families. It recognizes the social supports required to preserve the family unit and the dire need for this Nation to come to grips with the crisis it faces in drug treatment programs. The growing, tragic problem of perinatal substance abuse does not begin or end when the baby is born. Your bill acknowledges this fact by increasing the funds available to provide drug treatment to all women, by creating a preventive home visitors program for identified high-risk pregnant women and their children, by providing a wide range of long-term coordinated services for those families impacted by perinatal substance abuse, and by creating training programs to equip our health, education, justice, and social service professionals to provide the necessary services to these families. We recognize the immediate need for the services provided for in the "Children of Substance Abusers Act."

Sincerely,

ROBERT H. SWEENEY,
President.

THE ASSOCIATION OF JUNIOR LEAGUES INTERNATIONAL INC.,
New York, NY, February 25, 1991.

Hon. CHRISTOPHER DODD,
Chairman, Subcommittee on Children, Family, Drugs and Alcoholism, 639 Hart Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The Association of Junior Leagues International [AJLI], applauds your continuing efforts on behalf of our Nation's children and families. Your tremendous concern for families struggling with substance abuse and addiction is reflected in your prompt reintroduction, this Congress, of legislation to create a comprehensive, community-based approach to services for families where substance abuse is present. AJLI believes that this measure, the Children of Substance Abusers Act [COSA], is a key step in providing substance abusers and their children with adequate health and social services.

Junior Leagues throughout the United States have a history of almost 90 years of trained volunteer community service, much of which is directed to serving the needs of children, youth, women and families. Some Junior League programs currently in operation include those that provide home-visits to pregnant women and first-time mothers to improve maternal and child health; programs that provide parenting skills training for new parents to help reduce child abuse and neglect; and additional programs addressing the needs of drug-addicted pregnant women and their children.

As an organization that actively supported S. 2820, the COSA bill of the 101st Congress, you may be assured of our continued support for this legislation throughout the 102d Congress. Please feel free to contact our Washington office if we may be of any assistance to you or your staff on this issue.

Sincerely,

BREDA M. BOVA,
Policy Chair for Government Affairs.
KAREN M. HENDRICKS,
Director,
Department of Government Affairs.

ASSOCIATION OF MATERNAL AND CHILD HEALTH PROGRAMS,
February 25, 1991.

Hon. CHRISTOPHER J. DODD,
Chair, Senate Subcommittee on Children, Family, Drugs & Alcoholism, 627 Hart Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The Association of Maternal and Child Health Programs [AMCHP] is pleased to support the "Children of Substance Abusers" Act. We believe that this proposed legislation represents a critical step in assuring appropriate and coordinated services to children and families affected by substance abuse. The Association will remain available to assist you in assuring its passage.

The legislation's provisions for coordination of grantee applications and services with State and local public maternal and child health agencies; incorporation of consultation and referral services regarding pregnancy planning; and for coordination with early intervention services available under Part H of P.L. 99-457 will enhance service delivery design and comprehensiveness. AMCHP believes that linking the COSA community grant service programs with the core public health, social service and education service system structure will diminish duplication of services, facilitate client service coordination and enhance the potential for ongoing State level support and resources.

The AMCHP congratulates you on this bill which provides a programmatically sound framework for comprehensive and coordinated services for children of substance abusers and their families. Please feel free to call upon the Association should we be able to assist you further in seeing this proposal to fruition.

Sincerely,

RICHARD P. NELSON, M.D.,
President.

AMERICAN ASSOCIATION OF UNIVERSITY AFFILIATED PROGRAMS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES,
February 26, 1991.

Hon. CHRISTOPHER J. DODD,
Chairman, Senate Subcommittee on Children, Family, Drugs and Alcoholism, SH-639 Hart Senate Office Bldg., Washington, DC.

DEAR CHAIRMAN DODD: On behalf of the American Association of University Affiliated Programs for Persons with Developmental Disabilities [AAUAP], I am writing to express our strong support for the Children of Substance Abusers Act of 1991 [COSA]. You should be commended for the leadership role you have taken in assuring appropriate family support, primary health care and drug abuse treatment for women and children who are victims of our Nation's drug crisis.

AAUAP is concerned about children of substance abusers because of the often severe developmental consequences of maternal drug abuse. Of course, Fetal Alcohol Syndrome [FAS] and Fetal Alcohol Effect [FAE] are both long standing problems that appear to have worsened in the past 5 to 10 years—particularly on Native American reserva-

tions and in major metropolitan centers around the United States. A more recent phenomenon has been the emergency of so-called "crack babies", infants who have been compromised due to maternal ingestion of crack cocaine during pregnancy. While research is ongoing in this area, it appears from initial studies that approximately 20% of these children experience severe developmental disabilities including mental retardation, cerebral palsy and severe congenital abnormalities. Other youngsters experience more subtle cognitive impairments that are not manifest until school-age, including learning disabilities and attention deficit and hyperactivity disorder.

I believe that COSA deals with both of these pressing issues in a very practical fashion. By emphasizing the role of existing community-based service providers, the legislation is cost-efficient and effective. We stand ready to assist you.

Sincerely,

WILLIAM E. JONES, PH.D.,
Executive Director.

NAPH,
February 28, 1991.

Hon. CHRISTOPHER J. DODD,
United States Senate, SR-444 Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: On behalf of the 90 urban "safety net" hospitals that comprise the membership of the National Association of Public Hospitals [NAPH], I am writing to express our support for your legislation, the "Children of Substance Abusers Act", which would establish and expend grant programs for the evaluation and treatment of children of substance abusers and their parents. NAPH, representing over 90 "safety net" hospitals throughout the country, is keenly aware of the social costs of substance abuse.

The implications of the growing number of children born to drug-abusing mothers are substantial. There is evidence that drug-exposed children have higher hospital costs, and present a variety of physical and developmental impairments which may result in increased health and social service costs throughout the child's lifetime. Many of these costs will be borne by public hospitals.

The National Association of Public Hospitals applauds your efforts to increase access to services for families in need of assistance and we are pleased to support this important legislation.

Sincerely,

LARRY S. GAGE,
President.

THE NATIONAL PTA,
February 26, 1991.

Hon. SENATOR DODD,
Chair, Subcommittee on Children, Youth, Families, Alcoholism and Drugs, Hart Building, Washington, DC.

DEAR SENATOR DODD: The 6.8 million member National PTA, extends its support for the Children of Substance Abuse Act [COSA]. This much needed legislation will help provide services to children and their families that are dysfunctional due to alcohol and/or other substance abuse.

Recent data documents the need for the COSA legislation. For example, the 1990 report, issued by the United States General Accounting Office [GAO], entitled Drug-exposed Infants: A Generation at Risk, outlined that as expected drug-exposed infants suffer from a greater number of medical problems than those babies not exposed. While the long-term health effects of these children is not known, the expectation is that extensive care and family support services will be required. COSA would help communities to coordinate comprehensive services for infants and their families.

Equally important, COSA would enable women to gain access to treatment programs which often have long waiting lists or have been allowed to deny pregnant women services. Increasing the availability of treatment services may prevent countless numbers of babies from being born addicted to drugs.

Provisions in the bill that allow for home visitations, professional development in treating abuse, as well as coordination among various agencies will serve to strengthen families and improve the lives of children.

The National PTA thanks you for introducing the COSA bill and will help to quickly enact this legislation.

Sincerely,

ARLENE ZIELKE,
Vice President for Legislative Activity.

By Mr. METZENBAUM (for himself, Mr. DODD, and Mr. KENNEDY):

S. 600. A bill to amend the Fair Labor Standards Act of 1938 to improve enforcement of the child labor provisions of such Act, and for other purposes; to the Committee on Labor and Human Resources.

CHILD LABOR AMENDMENTS OF 1991

Mr. METZENBAUM. Mr. President, I rise to introduce the Child Labor Amendments of 1991. Congress passed a historic law 50 years ago that promised to end oppressive child labor in this country. But tragically, the disgrace of illegal child labor continues to haunt our Nation.

One reason that the number and seriousness of child labor violations has steadily increased in the last decade is that millions of children and their parents have no knowledge about even the most basic child labor laws. Frankly, it is almost unbelievable to me how, in 1991, hundreds of children in this great country are being exploited: They work at too young an age, for too many hours, and in unsafe environments. This exploitation results in children who are robbed of their education, their limbs, and even their lives.

Today, along with my distinguished colleague, Senator DODD, I am introducing legislation that will help to educate children, parents and employers about Federal child labor laws. Mr. President, the Child Labor Amendments of 1991 also will strengthen the enforcement scheme for child labor violations. The bill sends a clear message that employers who willfully murder or mutilate child workers will do hard time in prison. The bill also closes loopholes in enforcement by adding to the list of hazardous occupations; barring willful and repeated violators from receiving Federal grants, loans, and contracts; and requiring the publication of the names of violators and the nature of their violations.

In addition, the bill specifies that employers may employ minors under the age of 18 who do not have a high school diploma only if those minors have obtained a valid certificate of employment. Forty-six States already have certificate systems in place. Our legislation utilizes these existing systems and thereby avoids duplication or burdensome paperwork. Under our bill, the State-issued certificate must indicate restrictions on the times of day and maximum number of hours the minor may be employed, and on the employment of minors in federally identified hazardous occupations. Moreover, as part of the certification process, materials describing Federal child labor laws will be made available to the minor.

We need reliable data about the number of children working in our Nation and about any loss of life or limb that they may be suffering. Accordingly, the bill requires employers of minors to provide the State with written notice of the name and occupation of the minor. If a child in the course of employment suffers death or an injury resulting in lost work time of at least 1 working day, the employer must provide the State with a written description of the death or injury.

Another problem this legislation seeks to correct is the terrible exploitation of children under age 14 who work as migrant and seasonal farmworkers. Children aged 12, 10, 8, and even 6 years old are working with hazardous pesticides or performing back-breaking "stoop labor" in the fields. These children must be protected.

Let me make clear that I fully understand the political, social, and economic reasons for exempting children working on family farms from child labor laws. Our bill will not affect that exemption in any way. However, these reasons do not apply to children outside the family farm, who are under age 14 and work as migrant and seasonal farmworkers. These children come from a population that, regrettably, has been among our most vulnerable and most exploited in recent decades. They deserve the basic protections guaranteed in the FLSA.

Finally, the Child Labor Amendments of 1991 do not seek to put an end to all child labor. Indeed, I applaud our young people who work because of economic necessity or the learning experience or both. Education, however, should be every child's first priority. I believe that this legislation will help children and their parents to establish, maintain, and live to enjoy the results of such a priority.

I urge all my colleagues to support this legislation. I ask unanimous consent that the bill and a summary of the bill be included in the RECORD.

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

S. 600

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 "Child Labor Amendments of 1991".

SEC. 2. CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) WILLFUL VIOLATIONS THAT CAUSE INJURY OR DEATH.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following new subsection:

"(f) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, shall, on conviction be punished—

"(1) in the case of a willful violation that causes serious bodily injury to an employee described in section 3(l) but does not cause death to the employee, 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 willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both; or

"(2) in the case of a willful violation that causes death to an employee described in section 3(l), by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 20 years, or by both.".

(b) NO PRIOR OFFENSE PREREQUISITE FOR CHILD LABOR VIOLATION.—The second sentence of section 16(a) of such Act is amended by inserting before the period at the end the following: ", except that this sentence shall not apply to a violation of section 12".

SEC. 3. CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting "(1)" after the subsection designation;

(3) by adding at the end the following new paragraphs:

"(2) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, on more than one occasion, shall, on such additional violation, be ineligible—

"(A) for any grant, contract, or loan provided by an agency of the United States or by appropriated funds of the United States, for 5 years after the date of such additional violation; or

"(B) to pay the training wage authorized by section 6 of Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note).

"(3) The Secretary shall make available to affected school districts for posting and distribution the name of each employer who violates the provisions of section 12, relating to child labor, or any regulation issued under such section, together with a description of the location and nature of the violation.".

SEC. 4. CERTIFICATES OF EMPLOYMENT.

Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following new subsection:

"(e)(1) As used in this subsection:

"(A) The term 'minor' means an individual who is under the age of 18 and who has not received a high school diploma or its equivalent.

"(B) The term 'parent' means a biological parent of a minor or other individual standing in loco parentis to a minor.

"(2) No employer shall employ a minor unless the minor possesses a valid certificate of employment issued in accordance with this subsection.

"(3) The Governor of a State shall designate a State agency to issue certificates of employment to minors in the State. The agency shall make available, on request, a form for the application described in paragraph (4) and shall make available, as part of the certification process, materials describing applicable Federal requirements governing the employment of minors.

"(4) To be eligible to receive a certificate of employment, a minor must submit to the appropriate State agency an application that contains—

"(A) the name and address of the minor;

"(B) proof of age of the minor; and

"(C) if the minor is under the age of 16—

"(i) a written statement by a parent of the minor that the parent grants consent for employment of the minor; and

"(ii) written verification from the minor's school that the minor is meeting at least the minimum school attendance requirements established by the State.

"(5) On receipt of an application under paragraph (4), a State agency shall issue to the minor—

"(A) a certificate of employment, if the requirements of paragraph (4) are met; or

"(B) a statement of the denial of a certificate of employment (including the reasons for the denial), if the requirements of paragraph (4) are not met.

"(6) A certificate of employment issued to a minor under this subsection shall expire 1 year after the date of issuance of the certificate.

"(7) A certificate of employment issued to a minor under this subsection shall indicate—

"(A) the name, address, and date of birth of the minor;

"(B) restrictions on the times of day and maximum number of hours the minor may be employed and on the employment of the minor in hazardous occupations; and

"(C) the name, address, and telephone number of the State agency that may be contacted for additional information concerning applicable Federal requirements governing the employment of minors.

"(8) The State agency shall provide a copy of a certificate of employment issued to a minor under the age of 16 to the parent of the minor who granted consent pursuant to paragraph (4).

"(9) If an employer employs a minor, not later than 14 days after the date of the commencement of employment of the minor, the employer shall provide to the State agency written notice of the name and occupation of the minor and the number of the certificate of employment issued to the minor.

"(10) A State agency shall report annually to the Secretary concerning certificates of employment issued under this subsection. The agency shall include such information as the Secretary requires (including information on the number of deaths and injuries of minors reported pursuant to subsection (f)).".

SEC. 5. INFORMATION ON DEATHS AND INJURIES INVOLVING MINORS; INFORMATION DESCRIBING PROVISIONS OF FEDERAL CHILD LABOR LAW.

Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) (as amended by section 4 of this Act) is further amended by adding at the end the following new subsections:

"(f) If a minor in the course of employment suffers death, or an injury resulting in lost work time of at least 1 working day, not later than 5 days after the death or injury, the employer of the minor shall provide to the State agency a written description of the death or injury.

"(g) The Secretary shall prepare and distribute to State employment agencies written materials (suitable for posting and mass distribution) that describe the provisions of Federal law and regulations governing the employment of minors.".

SEC. 6. HAZARDOUS CHILD LABOR OCCUPATIONS.

Section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended by adding at the end the following new sentence: "The Secretary shall find and by order declare that poultry processing, fish and seafood processing, and pesticide handling (among other occupations declared by the Secretary) are occupations that are particularly hazardous for the employment of children between the ages of 16 and 18 for purposes of this subsection.".

SEC. 7. PROTECTION OF MINORS WHO ARE MIGRANT OR SEASONAL AGRICULTURAL WORKERS.

(a) DEFINITION OF OPPRESSIVE CHILD LABOR.—The first sentence of section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) is amended—

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

(2) by inserting before the semicolon the following: ", or (3) any employee under the age of 14 years is employed by an employer as a migrant agricultural worker (as defined in section 3(8) of the Migrant and Seasonal Agricultural Protection Act (29 U.S.C. 1802(8)) or seasonal agricultural worker (as defined in section 3(10) of such Act)".

(b) EXEMPTIONS.—Section 13 of such Act (29 U.S.C. 213) is amended—

(1) in subsection (a)(6), by inserting before the semicolon at the end the following: ", except that this paragraph shall not apply to an employee described in section 3(l)(3)"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "Except as provided in paragraph (2) or (4)" and inserting "Except as provided in paragraph (2), (4), or (5)"; and

(B) by adding at the end the following new paragraph:

"(5) The provisions of section 12 relating to child labor shall apply to an employee described in section 3(l)(3).".

SEC. 8. REPORTS.

Not later than 1, 2, and 3 years after the date of enactment of this Act, the Secretary of Labor shall provide to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on actions taken to carry out, and the effect of, this Act and the amendments made by this Act, including national and State-by-State information on—

(1) certificates of employment issued to minors under section 12(e) of the Fair Labor Standards Act of 1938 (as added by section 4 of this Act); and

(2) deaths and injuries of minors occurring in the course of employment that are reported under section 12(f) of the Fair Labor

Standards Act of 1938 (as added by section 5 of this Act).

SEC. 9. REGULATIONS.

The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

SUMMARY OF THE CHILD LABOR AMENDMENTS OF 1991—S. 600

(Introduced by Senators Howard M. Metzenbaum and Christopher J. Dodd)

Will strengthen the enforcement scheme for child labor law violations and also provide basic data on child labor practices.

Specifically, the bill:

Establishes criminal sanctions for willful violations of child labor laws that result in the death of a child (maximum 10 years in prison); and willful violations that result in serious bodily injury to a child (maximum 5 years in prison);

Provides that willful and repeated violators of child labor laws are ineligible for federal grants, loans, or contracts for 5 years, and also are ineligible to pay the subminimum youth training wage;

Requires the Department of Labor to compile and make available to school districts the names and addresses of child labor law violators and the exact nature of the violation;

Requires certificates of employment for minors under the age of 18 who do not have a high school diploma; this will set minimum standards for protecting children in the workplace, educate parents, children, and employers about child labor laws, and provide basic data on child labor in the United States;

Provides protection for minors under the age of 14 who are migrant or seasonal agriculture workers; the bill does not affect in any way the current provision exempting children who work on family farms;

Expands the list of hazardous occupations for teenagers to include poultry processing, fish and seafood processing, and pesticide handling.

For additional information on S. 600, contact the Senate Subcommittee on Labor at (202) 224-5546 or the Senate Subcommittee on Children, Family, Drugs, and Alcoholism at (202) 224-5630.

Mr. DODD. Mr. President, I rise today to join with my colleague, Senator METZENBAUM, in introducing legislation to better protect young people in the workplace. I want to commend my colleague from Ohio for his determination to ensure fairness and safety for all workers, and especially for teenagers.

The Child Labor Amendments of 1991 reflect our deep concern that young people make their way into the world of work without risking their health, their success in school, their futures. Thankfully, most teenagers do well in their part-time and summer jobs. It is an American tradition we can be proud of.

But there is another more troubling part of the picture. We think of sweatshops and children operating hazardous equipment and falling asleep in school as long-banished horrors. Yet for many children, these horrors persist in 1991.

At a hearing conducted last year by the Subcommittee on Children, Family, Drugs and Alcoholism and the Subcommittee on Labor, witnesses documented the modern-day problem of child labor. Detected violations of child labor laws have soared recently. According to the General Accounting Office, the number of children found to be illegally employed reached 22,500 in 1989, up from 9,200 in 1983. When the Labor Department conducted a nationwide sweep last year, they found that almost half of the businesses investigated were breaking the law. The American Academy of Pediatrics estimates that more than 100,000 children under the age of 18 are injured on the job every year.

Clearly our current law and current enforcement don't provide the necessary protection. The Department of Labor has turned greater attention to child labor, an effort which I applaud. But we need more. Here is how our bill would strengthen the law on child labor.

First, it would toughen penalties for violation of child labor laws. Current sanctions for violators amount to a slap on the wrist—the average fine is $170, easily absorbed as a routine cost of doing business. Last year we succeeded in raising the maximum civil penalty from $1,000 to $10,000. In this bill we seek to deter employers from breaking the law through criminal penalties for extreme violations and through new penalties of debarment from Federal grants and from the benefit of the youth subminimum wage.

Second, the bill would increase public awareness of child labor laws through more extensive use of employment certificates. One of the problems in this area is that many parents, children, educators, and even employers simply are not aware of the law. They do not know the age limitations for different types of work, the hours limitations, and the hazardous occupations that are completely off limits. I believe these provisions for greater public education will help avoid injuries and illegal employment.

Third, the bill would better protect farmworker children in migrant agriculture. Migrant and seasonal agriculture places children at particularly high risk, due to exposure to toxic pesticides and disruption of school attendance. Yet current law has multiple exemptions that permit young children to work in this setting. This legislation would apply the same prohibition against work for children under 14 years of age that now applies in nonagricultural settings. I should add that the prohibition would not apply to the family farm which I know has been a concern of many of our colleagues.

Senator METZENBAUM and I will be examining the issues associated with this bill at a joint hearing later this month of the Subcommittee on Children, Family, Drugs and Alcoholism and the Subcommittee on Labor, both of the Committee on Labor and Human Resources.

Entering the work force is a true crossroads in a young person's life. Successful entry into the world of work enhances the child's chances for success as a productive member of society. On the other hand, if the child is among the 100,000 minors injured on the job every year, or if the child works so many hours that school performance plummets, chances for success suffer tremendously. When one-fifth of children fail to complete high school on time, we must do everything possible to help teenagers strike the right balance between work and school. I believe this measure helps to strike that balance, and I urge my colleagues to support this legislation.

By Mr. ADAMS (for himself, Mr. HARKIN, Mr. KERRY, Mr. KENNEDY, Ms. MIKULSKI, Mr. WELLSTONE, Mr. CRANSTON, and Mr. SIMON):

S. 601. A bill to withhold United States military assistance for El Salvador, subject to certain conditions; to the Committee on Foreign Relations.

PEACE, DEMOCRACY, AND DEVELOPMENT IN EL SALVADOR

• Mr. ADAMS. Mr. President, for the past decade, the United States has armed, trained, and financed an army responsible for abducting, torturing, and killing thousands of Salvadorans. A decade and 70,000 deaths later, it's time to bring the new world order to El Salvador and change the course of United States policy toward that country.

Unfortunately, the Bush administration isn't prepared to do this. In January, the President announced his intention to release $42.5 million in military aid for El Salvador by March 15, even though no progress has been made to prosecute those responsible for the murder of six Jesuit priests last November. The administration's action violates the spirit of the law Congress passed last year conditioning aid to El Salvador.

Four billion United States taxpayers dollars later, in El Salvador the men who stand behind the men who pull the trigger and murder the innocent are still never brought to justice.

Ten years ago this January, Mark Pearlman of Washington State, and his colleagues Mark Hammer, and Rudolfo Viera were murdered in cold blood while dining at the Sheraton Hotel in San Salvador. The two triggerman were imprisoned but later released. The higher officials in the Salvadoran military who ordered the murders have never spent a single day in prison.

After waiting a decade for a sign that democracy would come to El Salvador, the time has come for the United States to stop sending military aid to that war torn country. After waiting 10 years for justice in the case of Mark

Pearlman and his associates, the time has come to stop subsidizing a military that shields murderers from their day in court.

Now is the time to change U.S. policy. Otherwise, 10 years after the murder of the Jesuit Fathers, we will still be wasting United States tax dollars in El Salvador.

For this reason, Congressman MCDERMOTT and I, along with our colleagues here, are introducing today the Peace, Democracy, and Development in El Salvador Act.

This bill would withhold all military aid to the Government of El Salvador, withdraw all United States military advisers, ban all covert aid, establish a demobilization, transition, and reconstruction fund, and direct that United States economic aid be used only for humanitarian purposes.

I am proud to join with Senators HARKIN, KERRY, KENNEDY, MIKULSKI, WELLSTONE, CRANSTON, and SIMON in introducing the Peace, Democracy, and Development in El Salvador Act. 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. 601

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

SECTION 1. STATEMENT OF POLICY.

(a) IN GENERAL.—The principal foreign policy objectives of United States assistance to the Republic of El Salvador shall be—

(1) to promote a cease-fire and permanent settlement of the conflict in El Salvador, with the Secretary General of the United Nations or his designated representative serving as an active mediator between the opposing parties;

(2) to foster greater respect for basic human rights and the rule of law; and

(3) to advance political accommodation, national reconciliation, and demilitarization in El Salvador.

(b) ROLE OF DIPLOMACY.—It is the sense of the Congress that the United States should use diplomacy to encourage both the Government of the Republic of El Salvador and the Farabundo Marti National Liberation Front (FMLN) to—

(1) participate in good faith negotiations designed to achieve a cease-fire and permanent settlement of the conflict in El Salvador;

(2) adhere to the terms of the agreements signed by them in Geneva, Switzerland, on April 4, 1990, in Caracas, Venezuela, on May 21, 1990, and in San Jose, Costa Rica, on July 26, 1990; and

(3) encourage and support the active role of the Secretary General of the United Nations or his designated representative in advancing proposals on the outstanding issues defined by the Caracas accords, in order to help resolve the conflict.

(c) INSTITUTIONS AND RIGHTS IN EL SALVADOR.—Recognizing that the terms of the agreements reached between the Government of the Republic of El Salvador and the FMLN must be the work of the parties themselves, the Congress affirms its support for an outcome that promotes democratic institutions and practices in El Salvador and enhances respect for internationally recognized basic human rights, including an outcome that provides for social and political liberties, a functioning and independent judicial system, a system of labor relations in which internationally recognized workers' rights are respected, free and fair elections in which all individuals and parties in Salvadoran society may participate, and the subordination of military power to civilian authority.

(d) ADMINISTRATION OF JUSTICE.—Cognizant of the murders at the University of Central America on November 16, 1989, and of the murder of United States military personnel in eastern El Salvador on January 2, 1991, the Congress views the full and effective resolution of the investigation, prosecution, and trial of those responsible for participating in, ordering, or protecting those involved in these murders as an important objective of United States policy, and as one of crucial measure of the willingness of the parties to the conflict to take needed steps to protect basic human rights in El Salvador.

(e) ROLE OF UNITED STATES ECONOMIC ASSISTANCE.—It shall also be the policy of the United States to provide economic assistance which supports reconstruction, economic development, and social justice in El Salvador.

SEC. 2. PROHIBITION ON MILITARY ASSISTANCE TO EL SALVADOR.

(a) WITHHOLDING UNITED STATES MILITARY ASSISTANCE.—Notwithstanding any other provision of law, United States military assistance allocated for El Salvador for fiscal year 1991 and prior fiscal years which has not been obligated, expended, or otherwise made available to the Government of El Salvador as of the date of enactment of this Act, and all United States military assistance allocated for El Salvador for fiscal years 1992 and 1993, shall be withheld from obligation or expenditure, unless—

(1) the President determines and reports in writing to the Congress that the conditions in subsection (c) are met; and

(2) the Congress enacts a joint resolution authorizing provision of that assistance.

In considering whether to enact a joint resolution under paragraph (2), the Congress shall take into account whether or not the stated commitments of the FMLN to observe internationally recognized human rights and to pursue good faith negotiations for a peaceful settlement to the conflict leading to a cessation of hostilities, have been fulfilled.

(b) DEFINITION.—For purposes of subsection (a), the term "United States military assistance" means—

(1) assistance to carry out chapter 2 (relating to grant military assistance) or chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and

(2) assistance to carry out section 23 of the Arms Export Control Act.

(c) CONDITIONS.—The conditions referred to in subsection (a)(1) are that—

(1) all those responsible for ordering and carrying out, or obstructing the investigation into, the November 16, 1989, murders of Father Ignacio Ellacuria; Father Ignacio Martin-Baro; Father Segundo Montes; Father Armando Lopez; Father Joaquin Lopez y Lopez; Father Juan Ramon Moreno; Julia Elba Ramos; and Celina Ramos have been apprehended and brought to justice;

(2) internationally recognized workers' rights have been extended to Salvadoran workers;

(3) the Government of El Salvador has pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out—

(A) the March 25, 1980 assassination of Archbishop Oscar Romero;

(B) the January 1981 murders of two United States land reform consultants, Michael Hammer and Mark Pearlman, and the Salvadoran Land Reform Institute Director Jose Rudolfo Viera; and

(C) the October 1989 bombings of the FENASTRAS headquarters in which ten trade unionists were killed; and

(4) the Government of El Salvador is complying with international standards of respect for humanitarian and medical workers (as defined by the 1949 Geneva Conventions and the 1977 Protocols to the Geneva Conventions);

(5) while the negotiations process for a final settlement continues, steps have been taken to place the Salvadoran military under the control of the elected civilian government, including the separation of all police functions from the command and control of the Armed Forces of El Salvador and the reconstitution of the police force directly responsible to, and under the control of, a civilian authority;

(6) the Government of El Salvador is negotiating in good faith to achieve a cease-fire and a final political settlement of the conflict in the Republic of El Salvador;

(7) the Government of El Salvador has not rejected a plan for the settlement of the conflict which has been put forth by the Secretary General of the United Nations or his designated representative in accordance with the terms and procedures in the April 4, 1990 Geneva Communique and the May 21, 1990 Caracas Accord between the Government of El Salvador and the FMLN; and

(8) the Government of El Salvador has not, through its military and security forces, assassinated or abducted civilian noncombatants, not engaged in other acts of violence directed at civilian targets, and not failed to control such activities by elements subject to the control of those forces.

(d) EXCEPTION.—Notwithstanding subsection (a), United States military assistance funds may be disbursed to pay the cost of any contract penalties which may be incurred as a result of such withholding of funds.

SEC. 3. WITHDRAWAL OF MILITARY ADVISORS FROM EL SALVADOR.

None of the funds authorized to be appropriated under any provision of law may be obligated or expended for the stationing of United States military personnel in El Salvador as either trainers or advisors to the Armed Forces of the Republic of El Salvador.

SEC. 4. COVERT OPERATIONS.

None of the funds authorized to be appropriated under any provision of law may be obligated or expended to finance covert operations in El Salvador or to provide covert military assistance to the Government of the Republic of El Salvador.

SEC. 5. ESTABLISHMENT OF A FUND FOR CEASE-FIRE MONITORING, DEMOBILIZATION, TRANSITION TO PEACE, AND RECONSTRUCTION.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to assist with the cost of monitoring a permanent settlement of the conflict, including a cease-fire, the demobilization of combatants in the conflict of El Salvador and their transition to peaceful pursuits, and reconstruction of the country, which shall be known as the "Demobiliza-

tion, Transition, and Reconstruction Fund" (hereafter in this section referred to as the "Fund"). Amounts in this Fund shall be available for obligation and expenditure only upon notification by the President to Congress that the Government of El Salvador and representatives of the FMLN have reached a permanent settlement to the conflict, including an agreement on an end to hostilities.

(b) TRANSFER OF CERTAIN MILITARY ASSISTANCE FUNDS.—Upon notification of the Congress of a permanent settlement of the conflict, including an agreement on an end to hostilities, or on September 30, 1992, if no such notification has occurred prior to that date, the President shall transfer any United States military assistance withheld pursuant to section 2 of this Act to the Fund.

(c) USE OF THE FUND.—Notwithstanding any other provision of law, amounts in the Fund shall be available for El Salvador solely to support costs of demobilization, retraining, relocation, and re-employment in civilian pursuits of former combatants in the conflict in El Salvador, of the monitoring of a permanent settlement and an end to hostilities, and of assistance to help meet the reconstruction and development needs of civilian populations, including the resettlement of persons displaced within, and of refugees returning to, El Salvador.

(d) DURATION OF AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts in the Fund shall remain available until expended.

SEC. 6. ADDRESSING THE ROOT CAUSES OF WAR IN EL SALVADOR.

(a) PROHIBITION.—None of the funds appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be obligated or expended as balance-of-payments assistance or cash assistance for El Salvador.

(b) ALLOCATION OF FUNDS FOR CERTAIN PROJECTS.—All of the funds appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for El Salvador shall be available only for projects for child nutrition, health, clean water, basic education, agrarian reform (including research, credit, and physical inputs), resettling refugees, and other basic human needs of the people of El Salvador. Such assistance shall be provided, wherever practicable, through private and voluntary organizations or other non-governmental organizations.

(c) CONDITIONS REGARDING ADMINISTRATION OF FUNDS.—Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 for El Salvador shall be used only for programs and projects which are independent of military operations, which are planned and administered by civilian agencies or organizations, and which are implemented solely by civilian agencies and organizations.

(d) ASSISTANCE FOR NONGOVERNMENTAL AND INTERGOVERNMENTAL ORGANIZATIONS.—(1) Not less than 10 percent of the funds available for El Salvador under chapter 4 of part II of the Foreign Assistance Act of 1961 shall be provided through independent private and voluntary organizations, organizations affiliated with the churches in El Salvador, and intergovernmental organizations such as the United Nations Childrens' Fund, the United Nations Development Program, and the Pan American Health Organization. Priority shall be given to independent, nonpolitical, private, and voluntary organizations with a demonstrated ability to conduct programs that benefit the poorest segments of Salvadoran society.

(2) For purposes of this subsection, the term "churches" means the Roman Catholic, Lutheran, Episcopal, Baptist, and Mennonite Churches.

(e) QUARTERLY REPORTS.—Every three months, the Administrator of the Agency for International Development shall submit to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report on the obligation, disbursement, and use of the funds for programs authorized by this section.

SEC. 7. CONGRESSIONAL REVIEW.

Funds available for El Salvador under section 5 or under chapter 4 of part II of the Foreign Assistance Act of 1961 may only be obligated or expended subject to the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.●

● Mr. HARKIN. Mr. President, the wave of freedom that swept over Eastern Europe in 1989 and ushered forth renewed hopes for world peace has been met by a sobering reality. The euphoria that greeted the first months of 1990 was tempered by the painstaking efforts needed to build a community of nations based on democratic principles. In 1991 we found the world at war, pitted against a man who in the past murdered thousands of his own citizens. Months prior to Iraq's invasion of Kuwait, Congress introduced numerous pieces of legislation aimed at hindering Saddam Hussein's ability to become a menace to freedom and displaying our outrage over the slaughter of the Kurdish people. Our failure to take a tough stand and send a clear signal to Saddam Hussein in the aftermath of the March 17, 1988, murder of over 5,000 Kurds must never be repeated. The United States must never again fail to take strong action against a government which has consistently violated the rights of its citizens and disregarded the norms of internationally accepted behavior. Unfortunately, Mr. President, the administration has not learned this lesson and is embarked on a course of action in El Salvador that would do precisely the opposite of what I have just stated.

The war in El Salvador now spans three decades at a cost of 73,000 lives. Successive governments in El Salvador have been unable to place that nation's security forces under civilian control and bring to justice those responsible for the murder of thousands of innocent civilians. Nor have those governments been able to forever eliminate the specter of death squads from haunting that nation's future. Despite the provision of more than $4.5 billion in foreign assistance since 1980—$1 billion in military aid—the situation in El Salvador has not improved substantially, nor will it improve unless there is a peaceful resolution to the conflict. For this reason, I believe that the Bush administration's decision to release an additional $42 million in military aid is a serious mistake. The $90 million in military aid that the administration has decided to release since December will only prolong the war and undermine any prospects for a negotiated settlement.

Mr. President, it is time that the United States establishes a coherent policy toward El Salvador and stops sending mixed messages. The administration says it favors a negotiated settlement and at the same time announces that it is releasing $90 million in military aid. The administration says it favors a negotiated settlement and on January 29, 1991, delivers three A-37 jet fighter-bombers and six attack helicopters to El Salvador. The administration says that it supports a negotiated settlement yet on February 1, 1991, we read in the New York Times senior administration officials undermining the efforts of the U.N. Secretary General's special representative to those negotiations. It is time to put the money where our mouth is and stop sending mixed messages.

Only 5 months ago the Congress passed the Dodd-Leahy bill. The bill—which I supported—provided incentives for both sides to reach an agreement under the auspice of the United Nations. Now, with the release of the aid, no incentives exist. Neither the Government of El Salvador nor the FMLN has any incentive to continue on a path toward peace. The release of this aid sends the wrong signal, at the wrong time, to the wrong people.

A FAIR READING

In a January 8 editorial, the Washington Post said that "enough evidence is available to justify restoration—of aid—under any fair reading of the law." The contrary is probably closer to the truth. Enough evidence is available to justify the complete cut off of aid under any fair reading of the law. There has been no substantive progress in the Jesuit case. If anything, the investigation into the November 16, 1989 murder of six Jesuit priests at the Catholic University has been a process of "one step forward and two steps back." The January 7, 1991 report by the House Speaker's task force, also known as the Moakley task force, says that "Chairman Moakley's statement in August alleging obstructionism on the part of the military remains current." I should also note, that two prosecutors of the case resigned on January 9 saying that the army is standing in the way of the investigation, protecting those who plotted the murders. After their resignation Archbishop Rivera y Damas commented "If there has been little credibility to the process so far, this wounds its credibility even more."

The law states all military assistance to El Salvador is prohibited if "the Government of El Salvador has failed to conduct a thorough and professional investigation into, and prosecution of

those responsible for the eight murders at the University of Central America on November 16, 1989; etc. * * *" Well, any fair reading of the case would conclude that the Government is at the very least failing to conduct the type of investigation stipulated in the law, not to mention prosecuting anyone to date. But have they failed? Perhaps, we should rephrase the question, to discover that point in time when something that is obviously failing has finally failed. The question therefore is, given the current status and conduct of the investigation, does anyone realistically believe that the Salvadoran judicial system can succeed in prosecuting this case? I say no. As the Moakley report aptly points out, * * * a competition between the Salvadoran Armed Forces and the Salvadoran judicial system—is comparable to—a basketball game between the NCAA champions and a high school junior varsity—the winner is not in doubt, only the point spread."

Now we know the law, we have read Chairman Moakley's report, and we have witnessed the conduct of the investigation into the murder of the Jesuit priests and their two housekeepers, the charade is over. The will of this body and that of the entire Congress has been expressed, and I will not permit it to be held in contempt by a bunch of hoodlums in El Salvador who think they can pull a cutie with the United States Congress. I am not satisfied with the progress in the Jesuit case and will not be satisfied as long as the shadow of a coverup looms over the investigation. The Congress demands a thorough and professional investigation; no half measures, no token gestures, no sacrificial lambs, no never, no more. To ask the U.S. Senate anything less than a complete disclosure is both repulsive and an insult to this great body.

Our insistence on a satisfactory resolution to this one case must not obscure our deep concern for the thousands of women and children, and all the innocent people that have been brutalized by the security forces of El Salvador over the years. This Congress has a strong desire to see a democratic society flourish in El Salvador. Yet the seeds of liberty will never blossom into flowers of freedom while those suspected of past involvement in death squad killings remain at large and the human rights situation continues to be serious.

The President, in his January 15 report to Congress, says the human rights situation in El Salvador continues to be serious. Yet, as if to suggest that human rights violations can be reduced to a numbers game or the Salvadoran Armed Forces now have a greater respect for human rights, the administration asserts "there were fewer human rights violations in 1990 than 1989. * * *" Human rights violations, however, cannot be reduced to a numbers game, especially not while members of the death squads roam freely in El Salvador. No one would dare suggest that the Medellin cartel now has a greater respect for human rights since the bombings of Bogota have ceased or because the extraditables killed fewer people in the latter half of 1990. No one would suggest such a thing because like the Armed Forces of El Salvador, criminals remain at liberty, free of prosecution, while business continues as usual.

According to the Human Rights Office of the archdiocese of San Salvador, Tutela Legal, there were 29 disappearances, 30 death squad killings and 34 deaths of civilians by the armed forces or civil defense units. Although the number of human rights abuses declined in the latter half of 1990, the welcome trend has been reversed in 1991. Also in 1990, there was a major setback in the San Sebastian case involving the Army's murder of 10 peasants in 1988. The case was originally portrayed as another key test for the Salvadoran judicial system. It was a key test and the Salvadoran judicial system failed that test. In February 1990 charges were dismissed against seven of the nine defendents. After further judicial proceedings only Major Beltran remains in detention.

The Armed Forces of El Salvador need to be purged of human rights violators and restructured. The impunity of military chiefs must be overcome. The National Intelligence Office should be abolished and the Salvadoran military subjected to civilian control. To insinuate that the Armed Forces of El Salvador can be transformed without a complete revamping of that organization, or suggest that they are the guardians of liberty simply because they have committed fewer human rights violations this year, is like putting lipstick on a pig; you have dressed it up a bit but you have not changed the nature of the beast. In the words of the late Father Ignacio Ellacuria, rector of the University of Central America, "There will not be democracy without democratization of the Armed Forces." (March 1989.)

PUBLIC LAW 101-513

There are those that would say that Public Law 101-513 has failed since only a few weeks after the law was enacted, the FMLN mounted an offensive. I should remind such people that we were not so naive when we voted on this legislation. The law clearly supported the negotiation process, which included previous agreements between the Government of El Salvador and the FMLN. Offensive action by the FMLN and counterinsurgency activities by the Salvadoran Government were fully contemplated in the May 1990 Caracas accord when both parties agreed that a cease-fire would be the culmination of a negotiation process that examined the underlying causes of the social unrest. I should also remind my colleagues that only 1 week after President Bush announced his decision to release an additional $42.5 million in military assistance there was a massacre in El Zapote, on January 21, 1991. It was a massacre that smacks of death squad involvement. In his Sunday homily on February 3, Archbishop Rivera y Damas said that the killing of the 15 peasants in El Zapote pointed "exclusively to the responsibility of members of the 1st Brigade in this crime, which was committed with total impunity and also has the characteristics of the death squads." Incidents such as the massacre at El Zapote, is precisely why I stated earlier that the release of the aid sent the wrong signal, at the wrong time, to the wrong people.

THE PRESIDENT'S REPORT

In his January 15 report to Congress, the President determined that:

First, proof exists that the FMLN is continuing to acquire or receive significant shipments of military assistance from outside El Salvador; and

Second, the FMLN is engaging in acts of violence directed at civilian targets.

Now I submit that proof does exist that the FMLN received sophisticated SAM's from outside El Salvador. The question, however, is one of timing. When did they receive such weapons? According to reports, the SAM's were delivered in October and therefore prior to the enactment of the Public Law 101-513. The administration does not claim that the SAM 14's were obtained by the FMLN after November 5, 1990. Rather, it claims that the FMLN has continued to receive seaborne deliveries from Nicaragua since the bill became law. The evidence was shared with Congress on January 8. I for one am not convinced that the administration has met the burden of proof.

The FMLN did violate the law however by engaging in acts of violence directed at civilian targets—banks, powerplants et cetera. These actions also violated an earlier pledge—March 1990—to refrain from such operations.

Mr. President, as I have stated in the past, right here on the Senate floor, November 29, 1989, I am not unaware of the role that the FMLN has played in escalating the level of violence in El Salvador. During the 6-week offensive, we once again witnessed rebel forces use the shield of innocent civilians to protect themselves. Further, I was horrified to read that two United States servicemen were murdered after their helicopter was shot down on January 2 in El Salvador. Like all Americans, I deplore the execution of our servicemen by the FMLN. Nonetheless, I welcome the FMLN's decision to investigate the matter and arrest two of its members on suspicion of murder. Those responsible for this grave human rights violation must be punished. Further, I

will not be satisfied only with the punishment of those responsible. I call for a trial in accordance with the Geneva Conventions' common article 3 and article 6 of protocol II. The FMLN would be woefully mistaken if they believe that world opinion would be satisfied by dragging two of its members out back to be executed. Again, no half measures, no token gestures, no sacrificial lambs, no never, no more. Justice and the Salvadoran people's yearning for peace cannot be placated by anything less than complete conformity, by all parties to the conflict in El Salvador, to the principles and standards of international law.

The outrageous, flagrant and frequent human rights abuses that have been committed by the security forces of El Salvador do not excuse the FMLN from fulfilling its obligations under the San Jose Agreement on Human Rights—July 1990—and international law. The atrocities that have been committed by the right and the left in El Salvador must end and negotiations continue if there is ever to be peace in this war-torn nation.

VIOLATIONS OF THE LAW

The question, Mr. President, is not whether the FMLN violated the law more than the Government of El Salvador or vice versa. The question is, where do we go from here? The President has decided to release over $90 million since December 1990. Although the President has said that he will refrain from obligating the funds that had been withheld by Congress for a period of 60 days in the interests of promoting peace, it has also been reported that the Salvadoran Government has not even spent the funds provided in December. Also, I am afraid that the President's decision will have the opposite affect than that which was intended. There are elements in the Salvadoran military who will attempt to drag out the negotiations for another 60 days. As long as they put on a good show, they know they will get their money. There are also elements in the FMLN that will now argue for a larger offensive. Again, releasing the aid sends the wrong message, at the wrong time, to the wrong people.

Not only does the President's decision to release the aid misplace incentives or a peaceful solution, and is therefore counterproductive, it is also an exercise in futility. To what avail do we release these funds? The Government escalated the air war in 1983–84 with the strafing and bombing of villages. Thousands of people were dislocated from their homes and refugees streamed across the Salvadoran borders. The FMLN countered by changing tactics, fighting in smaller units, and 6 years later neutralizes the Salvadoran Air Force with the use of SAM 14's. What happens next? We provide more funds so the Salvadoran military can buy more helicopters only to be shot down by SAM 14's? No. We have come to far to retreat to the early 1980's. The answer is not to provide more military funding to El Salvador.

CONGRESS TIRED OF FUNDING

The Congress and the American people are tired of funding the war in El Salvador. For too long we have tried to buy democracy in El Salvador. Democracy, however, cannot be bought, it must be built. Democracy is a way of life, not a procedural game that is played out every so often. It is a relationship between those who have been charged with the responsibility of governing and those who choose how and by whom they are to be represented. It is a dream for impoverished and oppressed people around the world, especially in El Savador. Now is not the time for additional military aid, it is a time for new diplomatic initiatives. It is a time to reduce all military forces in Central America, not a time to maintain them. It is a time to stop the endless cycle of violence and a time to bring peace to a troubled land.

The Secretary General's report to the Security Council, January 7, 1991, says: "* * * while significant progress has been accomplished to date * * * it is fair to say that considerable problems have been encountered in reaching agreement on armed forces. * * * I am persuaded that, given the necessary political will, coupled with support from outside powers in a position to assist me in my efforts, the goal of peace in El Salvador can be achieved in the not too distant future." The question therefore, is whether or not the Congress of the United States will assist the efforts of the Secretary General by voting in favor of the Peace, Development and Democracy in El Salvador Act, or will we vote to prolong the war and undermine "the last best chance for peace."•

• Mr. SIMON. Mr. President, I am pleased to join Senator ADAMS in cosponsoring legislation to prohibit military assistance to El Salvador. The bill also prohibits funding for United States military advisers in El Salvador and prohibits funds for covert operations. Most importantly, the bill will support efforts for peace in El Salvador.

Last fall, Congress took a significant step in restricting military aid to El Salvador. That was an important positive shift in a policy that, for many years, relied upon a military solution to El Salvador's problems. We wanted to see progress on human rights and on the peace process. The administration, however, decided to take a step back when it announced some weeks ago that it would release the restricted assistance. I strongly oppose that move and believe that Congress must take the initiative once again in getting the United States on a more sound and effective course in El Salvador.•

• Mr. WELLSTONE. Mr. President, for more than a decade, the people of El Salvador have struggled under the weight of a brutal and ruthless military that has engaged in widespread human rights abuses against the Salvadoran people, including brutal torture and frequent extrajudicial executions. During the past decade, well over 70,000 people have been killed, including tens of thousands of innocent civilians.

The Peace, Development and Democracy in El Salvador Act of 1991, introduced today by my colleague from Washington, Senator ADAMS, sets a new course for United States policy in that country. I am happy to join as an original cosponsor of that legislation, and hope that the grassroots support the bill has begun to generate will be noted by the administration.

Last year, Congress broke important ground by voting to cut military aid to El Salvador by 50 percent and imposing stringent conditions on restoration of military aid. But today we stand in essentially the same place as last year: We are still sending over $80 million annually in military aid to the Government of El Salvador and the violence and bloodshed continues unabated.

Now the President has indicated his willingness to resume military aid to El Salvador on March 15. I believe this decision will send a clear signal to the Salvadoran military to resume business as usual, unfettered by the human rights requirements that have conditioned United States aid there for years. If what's past is prolog, Mr. President, this decision will only perpetuate this tragic war. At this crucial time in negotiations, that must not be allowed to happen.

I hope the administration will reconsider this unwise and unnecessary change in policy. It is time to reverse our policy on military aid to El Salvador, not reaffirm it.

I recently joined a large group of my Senate colleagues in a letter urging the President to reconsider this decision. I ask that the text of that letter appear at this point in the RECORD.

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

DEAR MR. PRESIDENT: We are writing to you concerning the report you submitted to Congress on January 15 regarding U.S. military aid to El Salvador. After reviewing your report and other relevant information, we respectfully urge that you continue to withhold fifty percent of the military assistance approved for El Salvador for fiscal year 1991 subject to the provisions of section 531 (d)(1) of Public Law 101–513.

We make this request because we are concerned that your decision to release the additional military aid after the March 15 deadline cited in your report, may serve to undermine the negotiating process and re-invigorate those on both sides of the civil war who seek a final solution on the battlefield, not at the bargaining table.

As you know, the law now governing military aid to El Salvador was approved by wide

margins in both Houses of Congress. The statute was specifically designed to promote the United Nations-sponsored negotiations between the Government of El Salvador and the opposition FMLN. To achieve this objective, the legislation offered incentives and disincentives to both sides in the conflict, while providing a great deal of flexibility to you and your administration in interpreting and applying the terms of the law.

Unfortunately, we believe that the report you submitted on January 15 does not reflect a balanced interpretation of the law. In judging the conditionality applicable to the FMLN, you employ a very strict standard and thereby justify the restoration of full military aid. However, in judging the conditionality applicable to the government and armed forces, you employ a very lax standard and thereby avoid any restriction on further aid.

More specifically, according to your finding, the FMLN violated the conditions relating to (1) the acquisition of "significant" shipments of lethal military assistance from outside El Salvador" and (2) "acts of violence directed at civilian targets." Alternatively, the Salvadoran government, in your judgment, is apparently meeting the condition that it conduct "a thorough and professional investigation into the prosecution of those responsible for the eight murders [the six Jesuits, their housekeeper and her daughter] at the University of Central America on November 16, 1989."

We think it is plain that neither side has met fully the criteria spelled out in the law. However, we believe it would be far better to maintain the legal incentives for both sides to comply with those criteria in the future than to make a final determination—especially a one-sided final determination—at this time.

Our belief is based not only on our interpretation of the law, but on our continued desire to encourage serious negotiations for peace. Although we believe both sides should be displaying a stronger commitment to the negotiations, we also believe that important progress towards peace is being made. We note, for example, the recent statement of Alvero de Soto, the U.N. Secretary General's representative in the talks, that "I can report (without breaching confidentiality) that the talks are on track and proceeding apace—but quietly out of the limelights, as befits serious negotiations. There is no doubt in my mind that this effort can lead to success."

We agree that negotiations can succeed and we believe that Public Law 101-513, if implemented in a balanced way, can serve to advance this process. For this reason, we request that you continue to withhold the second half of this year's military aid for El Salvador; that you maintain the incentives and disincentives applicable to both sides; and that you apply the letter and spirit of that law in an even-handed manner. Such a policy, we believe, will encourage both sides to seek peace and to do everything else possible to bring about a just and rapid conclusion to this tragic war.

Sincerely,

_____.

Mr. WELLSTONE. Mr. President, the people of El Salvador deserve a chance for peace. Restoring military aid now could well scuttle any hope for peace in the region. The legislation introduced today sends a strong signal that there is a large and growing number of Members of Congress on both sides of the aisle unpersuaded of the need for further military aid of any kind to El Salvador. I urge its prompt consideration by this body.●

By Mr. SASSER (for himself, Mr. LEAHY, Mr. SIMON, Mr. FOWLER, Mr. WIRTH, Mr. SANFORD, Mr. DODD, Mr. CONRAD, Mr. KERREY, and Mr. HARKIN):

S. 602. A bill to improve the food stamp and nutrition programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CHILDHOOD HUNGER PREVENTION ACT

Mr. SASSER. Mr. President, I rise today to introduce the Childhood Hunger Prevention Act of 1991. I am joined by Senators LEAHY, SIMON, FOWLER, WIRTH, SANFORD, DODD, CONRAD, KERREY, and HARKIN in offering this legislation.

This legislation confronts one of the most compelling issues of the day—the condition of children in America.

Right now the picture is a grim one.

Children comprise the poorest segment of our Nation's population. One-fifth of our children live in poverty. One out of every 12 children, perhaps as many as 8 to 9 million children, are hungry or at serious risk of being hungry.

Yet, despite our knowledge of this crisis, life for too many American children is getting worse, not better. Since 1979 the percentage of our children living in proverty has jumped from 16 to 20 percent. If that trend holds, more than 25 percent of all American children will have slipped below the proverty level by the year 2000.

And make no mistake about it; childhood hunger occurs in every part of the country.

The most comprehensive ongoing survey of hunger, the Community Childhood Hunger Identification Project, or CCHIP, has been at work on this subject for nearly 2 years now.

Currently, they have conducted comprehensive surveys of children under 12 in sites in 8 States.

And the survey results from many sites are most disturbing. In Pontiac, MI, children in 28 percent of the low-income families surveyed were found to have been hungry at some point in the preceding year. In Seattle, 42 percent of the families experienced hunger. Similar findings occurred in Hartford, CT, Hennepin County, MN, Sumter County, AL and Polk County, FL.

What is the byproduct of child hunger? Kids that are hungry suffer up to twice the rate of unwanted weight loss, fatigue, headaches, frequent colds, irritability, and inability to concentrate.

These children face a daily struggle to get enough nutritious food to eat. It is little wonder that they do not do well in their education and are often absent from school. They fall behind in life at a very early age.

How does this legislation deal with the problem of child hunger?

The key child nutrition features of this legislation are as follows:

First, food assistance to homeless preschoolers would be increased. Although desperately in need of nutritional assistance, young homeless children often fall between the cracks of Federal Nutrition Programs.

Second, funding for the Women, Infant, and Children Food Program [WIC] would be increased by $250 million in 1992. This funding increase would allow over 400,000 additional low-income women, infants, and children to participate in WIC.

Third, Federal meal subsidies would be extended to children at for-profit child care centers serving large numbers of low-income children. Current program rules prevent many low-income children at for-profit centers from receiving the subsidized nutritious meals available to other low-income children.

Fourth, more schools would be able to serve nutritious snacks at after-school child care, hopefully encouraging more schools to offer after-school care.

The Food Stamp Program is the Nation's largest child nutrition program. Of total benefits, 82 percent go to poor families with children. For these needy families, adequate food stamp benefits means the difference between going hungry and having food to put on the table. Changes in the Food Stamp Program include:

First, more food stamp benefits are directed to families with excessively high housing costs. Three out of ten poor households pay more than 70 percent of their income on housing costs. Currently these high housing costs substantially reduce benefits to many needy families.

Second, basic food stamp benefits would be raised to reflect the actual cost of food, and thereby prevent benefits from running out before the end of every month.

Third, low-income rural households would not be penalized as much for their automobiles, thereby gaining more benefits. Right now many households in rural areas cannot receive food stamps because they own a vehicle that is essential for transportation to and from work, shopping, and medical facilities.

Fourth, families would be encouraged to better pursue child support payments owed them by absent parents. Right now, households receiving child support payments have their food stamp benefits reduced.

Mr. President, this legislation passed the House by an overwhelming vote last year. Yet, unfortunately, it was not included as part of the 1990 budget summit.

As chairman of the Budget Committee, I am mindful of the need to main-

tain the fiscal constraint in the summit agreement. But I am committed to working with my colleagues to overcome these difficulties and to find room for this crucial initiative.

We must understand that rampant hunger and poverty among American children is not the road to a brighter future for this country. Children are our investment in the future. Healthy, well-fed, physically and emotionally well-adjusted children are this Nation's guarantee for future prosperity. This legislation, S. 602 helps us meet that goal.

Mr. President, I ask unanimous consent that a summary of the Childhood Hunger Prevention Act of 1991 be included immediately following my remarks as well as the full text of S. 602, the Childhood Hunger Prevention Act of 1991.

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

S. 602

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 "Childhood Hunger Prevention Act of 1991".

TITLE I—FOOD STAMP PROGRAM

SEC. 101. INCREASE IN BASIC BENEFIT LEVEL.

The second sentence of section 3(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended—

(1) by striking ", and (11) on October 1, 1990, and each October 1 thereafter," and inserting "(11) on October 1, 1990,"; and

(2) by inserting before the period at the end the following: "(11) on October 1, 1991, 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, (12) on October 1, 1992, adjust the cost of such diet to reflect 103½ 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, (13) 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, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, (14) on October 1, 1994, adjust the cost of such diet to reflect 104.5 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, and (15) on October 1, 1995, and each 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, as determined by the Secretary, and round the result to the nearest lower dollar increment for each household size, except that each adjustment made under clause (11) through this clause shall be made without regard to any previous adjustment made under clause (9) through this clause".

SEC. 102. EXCLUSION OF CHILD SUPPORT PAYMENTS FROM INCOME.

(a) IN GENERAL.—Section 5(d)(13) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(13)) is amended by striking "at the option of a State agency and subject to subsection (m),".

(b) CONFORMING AMENDMENT.—Section 5 of such Act (7 U.S.C. 2014) is amended by striking subsection (m).

SEC. 103. ELIMINATION OF CAP ON EXCESS SHELTER DEDUCTION.

The fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking ": *Provided*, That" and all that follows through "June 30".

SEC. 104. VALUE OF VEHICLES EXCLUDED FROM ALLOWABLE FINANCIAL RESOURCES.

Section 5(g)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) (as designated by section 1719(1)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)) is amended by striking "$4,500" and inserting "$5,500 (adjusted on October 1, 1992, and each October 1 thereafter, to reflect changes in the index determined by the Secretary to be most reasonable, for the 12 months ending on the preceding June 30 of the year)".

SEC. 105. BARRIERS IN RURAL AREAS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) (as amended by section 1759 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624)) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary shall conduct, and may permit States, on their initiative, to conduct, pilot projects that test changes in, and new, food stamp program administrative and eligibility determination procedures designed to increase participation in rural areas.

"(2) Projects under paragraph (1) shall be carried out over not less than a 2-year period and shall test changes in administrative and eligibility determination procedures suggested by research on barriers to participation in rural areas and State agency experience, including—

"(A) conducting certification activities that would otherwise be conducted in offices of the State agency, by mail, by telephone, or at other locations;

"(B) increased flexibility in office hours and more accessible sites for eligibility certification and benefit issuance;

"(C) expanded provision of program information;

"(D) outstationing of State agency staff;

"(E) State agency processing of social security numbers;

"(F) reduced verification and reporting requirements;

"(G) changes in the rules governing how household assets are counted in eligibility determinations; and

"(H) coordination with and use of personnel administering the expanded food and nutrition education program conducted under section 3(d) of the Act of May 8, 1914 (38 Stat. 373, chapter 79; 7 U.S.C. 343(d)) and section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3125), community action agencies, and other local resources in providing program information, screening and advising applicants, and providing transportation.

"(3) In carrying out pilot projects under this subsection, the Secretary shall give priority to projects encompassing more than one substantial change in administrative and eligibility determination procedures and may pay up to 60 percent of the administrative costs related to implementation of pilot projects authorized under this subsection.".

SEC. 106. HOMELESS PARTICIPATIONS PROJECTS.

Section 18 of the Food Stamp Act of 1977 (7 U.S.C. 2027) is amended by adding at the end the following new subsection:

"(g) Of amounts appropriated pursuant to this section, not to exceed $1,000,000 in any fiscal year may be used by the Secretary to make grants to public or private nonprofit organizations or agencies, in one or more areas of the United States, for projects designed to improve the effectiveness of the food stamp program in delivering food assistance to homeless individuals.".

TITLE II—NUTRITION PROGRAMS

SEC. 201. PARTICIPATION OF PRIVATE RESIDENTIAL DAY CARE ORGANIZATIONS IN CHILD AND ADULT CARE FOOD PROGRAM.

(a) IN GENERAL.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended—

(1) in the last sentence—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively; and

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by designating the first through sixth sentences as paragraphs (1) through (6), respectively; and

(3) in paragraph (2) (as so designated)—

(A) by inserting "(A)" after the paragraph designation;

(B) by striking "; and such term" and all that follows through the period at the end and inserting a period; and

(C) by adding at the end the following new subparagraph:

"(B) For purposes of this section, the term 'institution' shall also mean any other private organization providing nonresidential day care services if—

"(i) at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; and

"(ii) as a result of the participation of the organization in the program established under this section—

"(I) the nutritional content or quality of meals and snacks served to children under the care of the organization will be improved; or

"(II) fees charged by the organization for the care of the children described in clause (i) will be lowered.".

(b) CONFORMING AMENDMENTS.—Section 17 of such Act is amended—

(1) in subsection (d)(2)(B), by striking "subsection (a)(1)" and inserting "subsection (a)(6)(A)"; and

(2) by striking subsection (p).

SEC. 202. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17A(a)(2) of the National School Lunch Act (42 U.S.C. 1766a(a)(2)(C)) is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A);

(2) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

SEC. 203. ASSISTANCE TO HOMELESS PRESCHOOL CHILDREN.

Section 18(c)(5)(A) of the National School Lunch Act (42 U.S.C. 1769(c)(5)(A)) is amended by striking the first sentence and inserting the following new sentence: "Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection, from amounts appropriated to carry out this Act, not less than $2,000,000 in fiscal year 1992, not less than $2,000,000 in fiscal year

1993, and not less than $3,000,000 in fiscal year 1994, in addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)), except that not more than $5,000,000 shall be expended for the program authorized by this subsection in any fiscal year.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC).

The first sentence of section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)) is amended by striking "and such sums as may be necessary for each of the fiscal years 1991, 1992, 1993, and 1994" and inserting "such sums as may be necessary for fiscal year 1991, $2,700,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 and 1994".

TITLE III—EFFECTIVE DATES

SEC. 301. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective on January 1, 1992.

(b) MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.—The amendments made by section 202 shall become effective on July 1, 1991.

THE CHILDHOOD HUNGER PREVENTION ACT OF 1991

CHILD NUTRITION/WIC

1. Food service for homeless pre-schoolers. Homeless children under age six do not have ready access to the government's nutrition programs for children. They are too young for subsidized school meals and often lack access to Child Care Food Program. Further, due to the lack of storage and cooking facilities, Food Stamps and WIC usually cannot provide assistance to these children. A 1989 law established a pilot project in Philadelphia which provides year-round food service to homeless children under age 6 in emergency shelters. This provision would provide increased funding to enough similar projects in other cities, and would simplify the complicated funding mechanism set up in the earlier law. $2 million would be available in 1992 and 1993, and $3 million in 1994.

2. Increase low-income participation in the Child Care Food program. Currently, for-profit child care centers can only participate in the Child Care Food Program if over 25 percent of attending children receive Title XX funding. Many for-profit centers, however, serve substantial numbers of low-income children without the benefit of Title XX funding. Growing numbers of low income children, for example, attend such centers through JOBS or the Child Care and Development Block Grant. Expanding program eligibility to for-profits which serve more than 25 percent low income (below 185 percent of poverty) children would enable many needy children to receive the nutritional meals that low income children at non-profit centers already receive.

3. Snacks at after-school child care. Schools that operate after-hours child care programs must qualify as child care centers in order to receive federal snack subsidies. Many schools do not participate because of the complications of having to operate the child care program separately from their lunch programs. Allowing schools to participate through their lunch programs will encourage more schools to offer nutritious snacks to children in their after-school care. Further, many child care advocates believe that the change could also encourage more schools to offer after-school child care, hence providing more children with a safe and healthy after-school environment.

4. Set WIC authorization $250 million above baseline for 1992. The Women, Infants, and Children Food program (WIC) is extremely effective at improving the nutritional and health status of low income women, infants, and children. A recent USDA study concluded that every dollar spent on a WIC mother or infant saves between $1.77 and $3.13 in Medicaid costs. Prenatal WIC participation also results in higher birthweight. Despite its documented effectiveness, insufficient funding allows WIC to serve just over half of the low-income women, infants, and children eligible for benefits. The $250 million funding increase would enable over 400,000 additional low income women, infants, and children to receive WIC benefits in 1992.

FOOD STAMPS

1. Eliminate cap on shelter deduction. A household's food stamp benefits are based on household income. In determining monthly income, households can deduct housing expenses that exceed 50% of their income. The maximum amount that non-elderly and non-disabled households can deduct is $186 per month. This provision would allow all households to deduct the full amount of their excess shelter costs for income determinations. CBO estimates this provision would affect over one million households per month, with the prime beneficiaries being families with children, a group likely to have high housing costs.

2. Raise maximum allotment from 103% to 105% of Thrifty Food Plan by 1995. Food stamp benefits are based on the costs of the Thrifty Food Plan, an estimate of how much money a family of four would need monthly to provide meals meeting minimum nutritional requirements. One study has found that actual food costs have been an average of 5% higher than Thrifty projections. This provision would increase basic benefits (currently at 103% of the Thrifty) by one-half percent of the value of the Thrifty each year through 1995, starting in 1992. On average, this increase should allow participants to purchase at least two additional meals per month.

3. Raise vehicle asset limit to $5,500, and index thereafter. Currently food stamp participants cannot own motor vehicles worth more than $4,500. This ceiling was established in 1977 and has never been indexed, although automobile prices have increased by over 120%. The President's Task Force on Food Assistance recommended raising the vehicle limit to $5,500 several years ago. The cap hurts low-income households in rural areas who need cars to travel for work, shopping, and medical services.

4. Disregard first $50 of child support for families receiving AFDC. Under current law, families receiving AFDC benefits receive the first $50 per month in childhood support payments without having their benefits reduced. The provision is designed to give families more incentive to help state agencies find absent parents. However, these same families would have their food stamp benefits reduced because, under food stamp law, their income would be increasing by $50. This provision would permit AFDC families to collect $50 in child support without a reduction in their food stamp benefits.

5. Demonstration projects on barriers to participation in rural areas and by the homeless. The legislation would fund modest demonstration projects to study barriers to participation in rural areas and ways to improve the program's service to homeless individuals.

Mr. LEAHY. Mr. President, I am pleased to join Senator SASSER in introducing the Childhood Hunger Prevention Act of 1991. This bill focuses much-needed help on a resource too often overlooked by this Nation—children. Hunger jeopardizes the future of our entire Nation.

Every teacher knows that a hungry child does not learn. If our Nation's children are not learning, our Nation's future is seriously at risk.

I would like to note Senator SASSER'S commitment to this issue. At our hearing on hunger at this time last year, the Committee on Agriculture, Nutrition, and Forestry was honored to have JIM SASSER as a leadoff witness.

He vividly described the need for significant nutrition legislation. As the chairman of the Senate Budget Committee, his support is crucial to the success of this effort.

The Childhood Hunger Prevention Act sets forth a blueprint for a child nutrition initiative I strongly endorse.

This bill expands and improves child nutrition programs on several fronts, including a homeless children's feeding program, the Child Care Food Program, after-school child care, and WIC—the Supplemental Feeding Program for Women, Infants, and Children.

The Childhood Hunger Prevention Act also makes important improvements in the Food Stamp Program. Eighty percent of food stamp recipients are families with children.

Let's look at the hard facts—nearly half of those living in poverty spend 70 percent of their family income on housing. Many of these families must often choose between feeding their children and keeping the roof over their heads.

In the richest country in the world, this is a disgrace.

This bill adjusts shelter cost estimates to more accurately reflect actual costs and provide necessary food stamp benefits. Since 80 percent of food stamp recipients are families with children, this is an important step to reduce hunger.

This bill also raises the vehicle asset limit, which food stamp recipients deduct from their income when calculating benefit levels. The current limit of $4,500 was set over a decade ago and has never been adjusted for inflation. The bill recognizes that vehicle prices have risen over 120 percent by increasing the vehicle assets limit to $5,500 and indexing that amount to inflation.

It is time for this country to cultivate its most precious resource—children. The Childhood Hunger Prevention Act will do this by turning children's attention from their stomachs to their future. Their future is the future of the Nation.

By Mr. GLENN (for himself, Mr. D'AMATO, Mr. DIXON, Mr. INOUYE, Mr. BURNS, Mr. BUMPERS, Mr. PRYOR, Mr. LOTT, Mr. BOREN, Mr. GRASSLEY, Mr. HATCH, Mr. KASTEN, Mr. BOND, Mr. WALLOP, Mr. AKAKA, Mr. DASCHLE, Mr. NICKLES, Mr. COATS, and Mr. SIMON):

S. 603. A bill to require the Administrator of General Services to establish procurement criteria for plastic products containing recycled material; to establish an interagency task force on plastic container coding to coordinate the expertise, responsibilities, and initiatives of Federal agencies to facilitate use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, to require coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling containers, and for other purposes; to the Committee on Governmental Affairs.

CODING OF PLASTIC CONTAINERS

Mr. GLENN. Mr. President, I rise today to introduce legislation to require coding of plastic containers to facilitate recycling. Senators D'AMATO, DIXON, INOUYE, BURNS, BUMPERS, PRYOR, LOTT, BOREN, GRASSLEY, HATCH, KASTEN, BOND, WALLOP, AKAKA, DASCHLE, NICKLES, COATS, and SIMON join me as original cosponsors of this bill. I have always been a supporter of a clean environment, and this legislation can play a role in our effort to reduce the amount of plastic waste that is accumulating in our landfills.

The accumulation of solid waste in our municipal landfills is one of the most urgent and fundamental environmental problems facing Federal, State, and local officials today. Plastic is now estimated to account for 7 percent of the 150 million tons of solid waste produced in this country each year. By the year 2000 this figure is expected to rise to 10 percent. The solution to the solid waste problem will be multifaceted. Science is providing us with agricultural commodity-based plastic products which will degrade in months or years rather than centuries. Recycling of plastics, which is in its infancy, also offers great promise. Both recycling of plastic and use of degradable plastics will play a role in easing the burden of solid waste.

Mr. President, this legislation addresses the need to be able to identify the type of resin used in plastic containers in order to promote recycling and use of degradable plastics. Currently only two types of plastic resins are readily recyclable. These are the resins used in milk jugs and soda bottles that can be recognized by the containers themselves. Other resins that are recycled are generally processed together into a junk plastic with limited applications. A labeling system would make it possible to recycle more plastic resins into more products.

The bill also modifies the existing coding system to add a symbol for degradable plastics. This symbol will facilitate initial separation of degradable plastic from recyclable, nondegradable plastic and help assure that expanded use of degradable plastics does not compromise recycling of other plastics.

Expansion of plastic recycling can be expanded by Federal actions which promote development of markets for products made from plastic containing recycled material. The bill will direct the Administrator of the General Services Administration to develop standards in order to facilitate procurement of products by Federal agencies.

Lastly, this legislation addresses the need to coordinate the overlapping responsibilities within the Federal Government with respect to plastic recycling and degradable plastics. The bill deals with this problem by creating an interagency task force to assist in development of a system for coding of plastic containers designed to facilitate use of degradable plastics without adversely affecting recycling of nondegradable plastics.

This legislation is supported by a wide range of interest. It is supported by the corn growers, the plastics industry, and the plastic resin manufacturers. This bill is a significant step in advancing efforts to recycle a larger volume of plastics, to use a larger volume of recycled plastic, and to develop larger markets for products containing recycled material. I urge my colleagues to join me in cosponsoring this important bill.

I ask unanimous consent for the bill to be printed in the RECORD following my remarks.

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

S. 603

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) reduction of solid waste through recycling of plastics can help to reduce solid waste, conserve resources, and save money;

(2) no national standards presently exist for coding of plastic products to distinguish resin type and whether the product is degradable;

(3) national standards for coding plastic containers by resin type and degradability will facilitate separation of disposed plastic containers, promote recycling, and assure that use of degradable plastic products does not adversely affect plastic recycling;

(4) the Federal Government should promote plastics recycling and assure that use of degradable plastic products does not adversely affect plastic recycling;

(5) no Federal criteria presently exist for Federal procurement purposes to identify plastic products as manufactured from plastic containing recycled material;

(6) procurement by Federal agencies of products manufactured from plastic containing recycled material could contribute to establishment of markets for products manufactured from plastic containing recycled material and thereby promote recycling of plastic;

(7) the lack of criteria for identifying products manufactured from plastic containing recycled material for Federal procurement purposes is hampering the ability of Federal agencies to procure such products;

(8) establishment of Federal procurement standards and criteria by the General Services Administration for products manufactured from plastic containing recycled material and identification of particular products that satisfy such criteria in Federal procurement materials will contribute to the establishment of markets for products manufactured from plastic containing recycled material, and thereby promote plastic recycling, by facilitating procurement of such products by Federal agencies;

(9) the ability of the Federal Government to promote plastics recycling and assure that use of degradable plastic products does not adversely affect recycling is hampered by the division of responsibilities among several agencies;

(10) the Environmental Protection Agency is generally responsible for municipal solid waste and recycling policies;

(11) the Federal Trade Commission is generally responsible for regulation of consumer product labeling;

(12) the Food and Drug Administration is responsible for labeling of food containers;

(13) the Department of Agriculture is responsible for promotion of agricultural products, including additives which promote degradability of plastics;

(14) the Administrator of General Services is responsible for Federal procurement policies, including criteria for products manufactured from plastic containing recycled material;

(15) the Department of Commerce is responsible for standards which promote commerce and trade; and

(16) a Federal interagency task force is needed to coordinate the expertise, responsibilities, and initiatives of these agencies to facilitate the use of degradable plastics, without adversely affecting recycling of nondegradable plastic products, by coding of plastic containers to facilitate separation of degradable plastic containers from nondegradable plastic containers and sorting of nondegradable plastic containers by resin type to promote recycling of such containers.

(b) PURPOSE.—The purposes of this Act are—

(1) to require the General Services Administration to establish Federal procurement criteria for products manufactured from plastic containing recycled material;

(2) to create an interagency task force to coordinate the efforts of the Federal Government in implementing the requirements of this Act and to assure attainment of the objectives of this Act; and

(3) to establish a uniform national standard for coding of plastic containers by resin type and by degradability to assure that use of degradable plastic products is consistent with recycling of nondegradable plastic products.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) PLASTIC CONTAINER.—(A) Except as provided in subparagraph (B), the term "plastic container" means—

(i) a rigid or semirigid vessel, including bottles, made of plastic with a capacity of 8 fluid ounces or more and less than 5 gallons, designed to hold some commodity; and

(ii) flexible garden and leaf bags made of plastic.

(B) Such term shall not apply to vessels manufactured for use in medical or laboratory processes or procedures.

(2) DEGRADABLE.—The term "degradable" means the ability of a material to be reduced, by exposure to microorganisms, light or chemicals, to environmentally benign subunits within the shortest period of time consistent with the material's intended use, but in no event greater than a 5-year period.

(3) PLASTIC.—The term "plastic" means a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, and that at some stage in the manufacture or processing into finished articles can be shaped by flow.

SEC. 3. GENERAL SERVICES ADMINISTRATION PROCUREMENT STANDARDS.

(a) RECYCLED PLASTIC PROCUREMENT STANDARDS.—The Administrator of General Services shall—

(1) establish criteria for plastic products to qualify as manufactured from plastic containing recycled material for Federal procurement purposes under this section;

(2) evaluate the performance characteristics of plastics containing recycled material meeting the criteria established under paragraph (1);

(3) determine the suitability of plastics containing recycled material meeting the criteria established under paragraph (1) for particular products and applications for Federal procurement purposes; and

(4) identify products made from plastics containing recycled material for which the Administrator of General Services has determined under paragraph (3) that such plastic is suitable.

(b) PURCHASING CATALOGUE.—The Administrator of General Services shall make available in the standard General Services government purchasing catalogue products identified in subsection (a)(4) that satisfy all other applicable General Services Administration criteria and identify such products as meeting General Services Administration criteria for plastic products containing recycled material.

(c) IDENTIFICATION OF PLASTIC PRODUCTS.—Only plastic products containing recycled material that satisfy the criteria established by the Administrator of General Services under subsection (a)(1) and which are identified by such Administrator under subsection (a)(4) may be identified by the manufacturer or distributor of such product, through advertising or labeling, as meeting such criteria and as so identified.

SEC. 4. INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an Interagency Task Force on Plastic Container Coding. The Task Force shall coordinate activities under this Act to assure that use of degradable plastic products does not adversely affect recycling of nondegradable plastic products.

(b) MEMBERS.—The members of the Task Force established under subsection (a) shall be—

(1) the Administrator of the Environmental Protection Agency, or his designee;

(2) the Director of the Bureau of Consumer Protection of the Federal Trade Commission;

(3) the Commissioner of the Food and Drug Administration, or his designee;

(4) the Secretary of Agriculture, or his designee;

(5) the Administrator of the General Services Administration, or his designee; and

(6) the Secretary of Commerce, or his designee, who shall act as Chair of the Task Force.

(c) CONSULTATION.—In carrying out its duties, the Task Force shall seek the participation, through consultation and cooperation, of other public and private organizations which have a significant interest in use of degradable and nondegradable plastics and recycling of plastics.

SEC. 5. CODING.

(a) IDENTIFICATION OF PLASTIC RESIN.—Within the 12-month period following the date of the enactment of this Act, the Secretary of Commerce, after consultation with the Interagency Task Force on Plastic Container Coding, shall issue regulations to require manufacturers of plastic containers manufactured or offered for sale in the United States to encode such containers to identify the principal plastic resin used in their manufacturer in accordance with this Act. Such regulations shall apply to plastic containers manufactured on or after the later of January 1, 1993, or 90 days after the date such regulation is published in the Federal Register.

(b) SYMBOL.—The code required under subsection (a) shall consist of—

(1) a symbol—

(A) in the case of all plastic resins other than those identified in paragraph (2)(H), triangular in shape, comprised of 3 equal-length arrows, such arrows being curved at the apexes of the triangular-shaped symbol with the heads of the arrows pointing in a clockwise direction, and

(B) in the case of plastic resins identified in paragraph (2)(H), diamond in shape, comprised of 4 equal sides and rounded at the corners; and

(2) a specific number within the symbol and a series of letters immediately below the base of the symbol identifying the principal type of plastic resin from which the container was produced in accordance with the following schedule:

(A) The number "1" and the letters "PETE" for polyethylene terephthalate.

(B) The number "2" and the letters "HDPE" for high density polyethylene.

(C) The number "3" and the letter "V" for vinyl.

(D) The number "4" and the letters "LDPE" for low density polyethylene.

(E) The number "5" and the letters "PP" for polypropylene.

(F) The number "6" and the letters "PS" for polystyrene.

(G) The number "7" and the word "OTHER" for other resins or multiple resins.

(H) The number "8" and the letters "DEGR" for degradable resins.

(3) The Secretary may, by rule, from time-to-time, add to or otherwise revise the designation of resins referred to in paragraph (2).

(c) CODING UNIFORMITY.—No State or political subdivision thereof may enforce any requirement of State or local law applicable to the coding of any plastic container unless such requirement is the same as the provisions of this Act. No State or political subdivision thereof may enforce any ban under State or local law on manufacture, sale, distribution, or use of any plastic container if such container is coded in conformance with the requirements of this Act unless such ban is equally applicable to containers made from other materials.

SEC. 6. PENALTY.

(a) CIVIL PENALTY.—Any person or entity which violates this Act shall be subject to a civil penalty assessed by the Secretary of Commerce of not more than $5,000 for each offense.

(b) CRIMINAL PENALTY.—Any person or entity which knowingly violates this Act shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $10,000, imprisoned for not more than 1 year, or both, for each offense.

SEC. 7. MONITORING.

The Secretary of Commerce shall, by regulation, establish and implement a system for monitoring compliance with, and enforcement of, the provisions of this Act.

SEC. 8. STUDY AND REPORTS.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Interagency Task Force on Plastic Container Coding shall prepare and submit, to the Committee on Governmental Affairs of the Senate and the Committee on Energy and Commerce of the House of Representatives, a progress report that contains—

(1) information on enforcement of and compliance with the provisions of this Act;

(2) information as to the problems, if any, incurred in the administration of the provisions of this Act;

(3) statistics on the number and type of violations detected and prosecuted by the Federal Government and by the States; and

(4) a summary of personnel and financial resources required to implement this Act.

(b) STUDY.—The Interagency Task Force on Plastic Containers Coding shall study technology which may be applied to facilitate the automated sorting of plastic containers in municipal solid waste to separate recyclable plastic containers from nonrecyclable plastic and to separate further recyclable plastic containers by resin type. Such study shall include identification of current and potential technology for automated separation of plastics by resin type. The Task Force shall report to Congress on the results of such study, including any recommendations for further legislation to facilitate expanded recycling of plastics, or for authorization of funding of research, development or demonstration projects which offer the potential for development and application of innovative technology to facilitate expanded recycling of plastics.

SEC. 9. AUTHORIZATION.

There is authorized to be appropriated such sum as may be necessary to carry out this Act.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 604. A bill to provide for a graduated interim geographical pay adjustment for Federal employees based on relative proximity to metropolitan statistician areas, to provide for an adjustment in rates of basic pay for Federal employees within the District of Columbia and Baltimore, MD, consolidated metropolitan statistical areas, and for other purposes; to the Committee on Governmental Affairs.

GEOGRAPHIC PAY ADJUSTMENT FOR FEDERAL EMPLOYEES

• Ms. MIKULSKI. Mr. President, I rise today to introduce legislation which will help the Federal Government recruit and retain smart, qualified peo-

ple; recognize the day-to-day needs of employees in the Baltimore-Washington corridor; and remove an unfortunate inequity from the Federal ledger. I'm pleased to introduce this bill today on behalf of myself and my colleague from Maryland, Senator SARBANES.

One hundred and thirty thousand Federal GS employees in the Baltimore-Washington area pay some of the highest food, housing, and tax costs in the country.

Our Federal employees—the professionals who work hard every day to get the Social Security checks out, keep our parks open, make sure our troops abroad get bullets and bandages—deal with that reality every month, when they pay their bills. They know that private employers recognize those realities, paying 20 percent more on average than the Federal Government.

And they know that when President Bush issued an Executive order last year providing an 8-percent raise only to Federal workers in the metropolitan statistical areas of New York, San Francisco, and Los Angeles, he addressed only part of the problem. He did not recognize the tough day-to-day realities faced by Federal employees in Baltimore and Washington—the largest block of Federal employees in the country. New York and California are not the only places in America where the cost of living far exceeds the national average.

Perhaps the Members of this body recall their first experience with Washington prices—the shock many of us felt when we compared the cost of a new home or even a rented apartment to what we would pay back home.

Mr. President, in addition to providing an immediate 8-percent pay raise for Federal employees in the Baltimore and Washington areas, my bill would change the formula for calculating these pay increases to ensure fair geographic adjustments.

This bill recognizes that the cost of living doesn't increase or decrease on the whim of OMB-designated statistical areas or arbitrary political boundaries; that they change gradually over distance. The price of housing, tuition or groceries doesn't just tumble downward because you move across a county line, into a different standard metropolitan area. A gallon of gas or a loaf of bread cost the same in Calvert County, MD, and St. Mary's County, even though Calvert County is in the Washington metro area and St. Mary's County isn't.

And the men and women at Pax River Naval Air Station in St. Mary's County are trying just as hard to do a good job and take home a decent living as their counterparts at the Pentagon.

That's why my bill gradually phases in the pay adjustment, giving smaller raises to jurisdictions located near high-cost metropolitan statistical areas, but not within those areas.

This is accomplished by providing that an employee who works within a 25-mile radius of the geographic center of the metropolitan statistical area receives 100 percent of the pay adjustment; an employee who works beyond a 25-mile radius and within a 50-mile radius of the center of the area receives 50 percent of the pay adjustment; and an employee who works beyond a 50-mile radius and within a 75-mile radius of the center of the area shall receive 25 percent of the pay adjustment.

This section of the bill would not only help my constituents in Maryland. Under the arbitrary boundaries drawn by the President's Executive order last year, four military facilities in New Jersey and California were divided, resulting in different salaries for employees who may sit at different desks in the very same office.

Federal employees are charged with turning the laws we pass into action—transforming dry legislative prose into medical research, Head Start programs, and college educations. I'd like to give them a chance to turn that prose into a fair and decent living for themselves and their families. I believe this bill will help to do just that.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 604

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

SECTION 1. INTERIM GEOGRAPHIC PAY ADJUSTMENTS GRADUATED ON PROXIMITY TO METROPOLITAN STATISTICAL AREAS.

(a) PAY ADJUSTMENTS.—Section 302 of the Federal Employees Pay Comparability Act of 1990 is amended—

(1) in subsection (a) by striking out "(A) DEFINITIONS.—" and inserting in lieu thereof "(a) DEFINITIONS.—";

(2) in subsection (a)(1)—

(A) by inserting "the area including any location within a 75 mile radius from the center of" after "means"; and

(B) by striking out "5,000" and inserting in lieu thereof "4,000"; and

(3) in subsection (b)—

(A) in paragraph (1) by striking out "The President" and inserting in lieu thereof "Subject to the provisions of paragraph (3), the President"; and

(B) by adding at the end thereof the following new paragraph:

"(3)(A) A pay adjustment established for an area under paragraph (1) shall provide that an employee whose duty station is—

"(i) within a 25 mile radius of the center of the area shall receive 100 percent of the pay adjustment;

"(ii) beyond a 25 mile radius and within a 50 mile radius of the center of the area shall receive 50 percent of the pay adjustment; and

"(iii) beyond a 50 mile radius and within a 75 mile radius of the center of the area shall receive 25 percent of the pay adjustment.

"(B) In the administration of the provisions of this subsection—

"(i) the President shall make a determination of the center of an area; and

"(ii) an employee whose duty station is located in more than one area shall receive a single pay adjustment for the area which results in the highest increase in the basic pay of such employee.".

(b) RULES OF CONSTRUCTION.—The amendment made by subsection (a)—

(1) shall not be construed to reduce any pay adjustment made under section 302 of the Federal Employees Pay Comparability Act of 1990 before the date of the enactmenty of this Act; and

(2) shall apply to any area in which a pay adjustment became effective under section 302 of such Act before the date of the enactment of this Act.

SEC. 2. PAY ADJUSTMENT FOR DISTRICT OF COLUMBIA AND BALTIMORE, MARYLAND LOCALITY.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "statutory pay system" has the meaning given such term by section 5302(1) of title 5, United States Code (and includes the pay system under chapter 54 of such title); and

(2) the term "consolidated metropolitan statistical area" means the area including any location within a 75 mile radius from the center of a consolidated metropolitan statistical area, as established by the Office of Management and Budget as of the date of enactment of this section.

(b) PAY ADJUSTMENT.—Subject to the provisions of subsections (c) and (d), effective on the first day of the first applicable pay period beginning on or after the date of the enactment of this section the rate of basic pay for any employee under a statutory pay system who is employed within a consolidated metropolitan statistical area which includes the District of Columbia (or any portion thereof) or a consolidated metropolitan statistical area which includes the city of Baltimore, Maryland (or any portion thereof) shall be equal to 108 percent of the rate of basic pay which would otherwise apply.

(c) PORTION NONATTRIBUTABLE IN COMPUTATION.—No portion of the rate of basic pay attributable to a pay adjustment under section 302 of the Federal Employees Pay Comparability Act of 1990 shall be used in computing the adjustment made under subsection (b).

(d) GRADUATED PAY ADJUSTMENTS.—(1) A pay adjustment made under subsection (b) shall provide that an employee whose duty station is—

(A) within a 25 mile radius of the center of an area shall receive 100 percent of the pay adjustment;

(B) beyond a 25 mile radius and within a 50 mile radius of the center of an area shall receive 50 percent of the pay adjustment; and

(C) beyond a 50 mile radius and within a 75 mile radius of the center of an area shall receive 25 percent of the pay adjustment.

(2) In the administration of the provisions of this subsection—

(A)(i) any determination of the center of an area made under section 302(b)(3)(B)(i) of the Federal Employees Pay Comparability Act of 1990 shall apply; and

(ii) if there is no determination under such Act, the Office of Personnel Management shall make a determination of the center of an area; and

(B) an employee whose duty station is located in more than one area shall receive a single pay adjustment for the area which results in the highest increase in the basic pay of such employee.

(e) APPLICATION TO EMPLOYEES WITH CHANGE OF POSITION.—For purposes of apply-

ing subchapter VI of chapter 53 of title 5, United States Code, to an employee who changes from a position which is subject to this section to a position which is not, a rate of basic pay payable to such employee, as of any time before the change, shall be determined as if this section had never been enacted.

(f) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary for the administration of this section, including regulations for determining the duty station of an employee.

(g) CONSIDERATION OF ADJUSTMENT IN SUBSEQUENT ADJUSTMENTS.—For purposes of section 5303 of title 5, United States Code, rates of pay established under this subsection may be taken into account to such extent as the President (or the Office of Personnel Management or other agency, as applicable) considers appropriate.

(h) SUBSEQUENT ADJUSTMENTS.—Any rate of pay in effect under this section on the date as of which this section ceases to be effective shall remain in effect until adjusted by or in accordance with law.•

• Mr. SARBANES. Mr. President, I rise today to join Senator Mikulski in introducing legislation which will provide for an interim geographic pay adjustment for Federal employees within the Baltimore/Washington metropolitan statistical area. The bill would also create a graduated interim geographic pay adjustment for Federal employees based on relative proximity to a metropolitan statistical area.

Last year, the Congress passed the Federal Employees Pay Comparability Act of 1990. This legislation allows the President to authorize geographic pay differentials of up to 8 percent for employees in geographic areas which meet certain criteria. The current rules governing determination of the interim pay adjustments require that areas contain at lest 5,000 General Schedule employees, are experiencing significant pay disparities, and are experiencing widespread recruitment and retention problems.

The Baltimore/Washington area, with over 130,000 General Schedule employees, meets all of these requirements. As my colleagues are well aware, the cost of living in the Baltimore/Washington area is about 8 percent above the national average. In addition, data developed by the Government Accounting Office shows that public sector employees in the Baltimore/Washington area earn 20 percent less than private sector employees in comparable jobs.

Mr. President, the purpose of the Federal Employees Pay Comparability Act of 1990 was to make Government service more affordable and more attractive, and there is no place where it is more important to recruit and retain top quality employees than in our Nation's Capital. It is time we recognize that Federal employees are an important and integral part of our national work force. The Baltimore/Washington area far exceeds the requirements set out in the law, and I urge the President to grant a geographic pay adjustment for Federal employees working in this critical area. I want to commend Senator MIKULSKI on her efforts in this regard and urge my colleagues to support this important legislation.•

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 605. A bill to provide for the payment of a special pay differential to a Federal employee serving on active duty as a member of a reserve component of the Armed Forces during the Persian Gulf conflict to compensate for any decrease in pay experienced during the period of military service; to the Committee on Governmental Affairs.

FULL FEDERAL PAY FOR MILITARY RESERVISTS

• Ms. MIKULSKI. Mr. President, 10,000 Federal employees in the military reserves traded their ID's for dog tags and left their desks for Operation Desert Storm. Unfortunately, these reservists have lost thousands of dollars in pay they would have received in their civilian jobs.

These brave and dedicated Federal employees are now on their way back to the United States. But many will return home to find a pile of bills and overdue notices stacked next to the yellow ribbons.

The Federal Government should be a leader in recognizing the sacrifices made by these reservists. But instead, we've failed to follow the example of innumerable States, localities and private employers that have decided to make up the difference between civilian salary and active duty pay.

Today, I'm introducing legislation to change that. This legislation would provide a special pay differential to any Federal employee on active duty in the military reserve during the Persian Gulf conflict. This pay differential would compensate for the difference between the employee's reserve salary and his or her regular civilian salary.

Mr. President, the next few months should be a time of triumph for these brave men and women—not a time of hardship. The skill and professionalism of our reservists was a critical factor in our swift victory. Hundreds of lives and billions of dollars may have been saved because of the outstanding, effective way they came through for us. Let's take some of those savings and turn them around. Let's follow the lead of other employers nationwide, and come through for our reservists by passing this bill.

I ask unanimous consent that the bill appear in the CONGRESSIONAL RECORD following these remarks.

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

S. 605

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

SECTION 1. SPECIAL PAY DIFFERENTIAL.

(a) COVERAGE.—This Act applies to any individual who—

(1) under authority of chapter 39 of title 10, United States Code, is ordered to active duty (other than for training), or retained thereon, for duty during the Persian Gulf Conflict as a member of a reserve component of the Armed Forces; and

(2) left Federal employment in order to enter on active duty.

(b) DIFFERENTIAL.—(1) An individual described in subsection (a) shall be entitled, while serving as such a member during the Persian Gulf Conflict, to receive a special pay differential.

(2) Such differential—

(A) shall be payable on a monthly basis; and

(B) shall, for any month, be equal to the amount by which the individual's final civilian monthly rate of pay exceeds such individual's monthly military compensation (if at all).

(c) SOURCE.—Any such differential shall be paid by the agency which last employed the individual involved out of appropriations otherwise available for salaries and expenses.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "agency" means an Executive agency, as defined by section 105 of title 5, United States Code;

(2) the term "Federal employee" means an individual employed by an agency on a permanent basis;

(3) the term "active duty" has the meaning given that term in section 101(22) of title 10, United States Code;

(4) the term "Persian Gulf Conflict" means the period beginning on August 2, 1990, and ending on the date prescribed by Presidential proclamation or by law;

(5) the term "reserve component" has the meaning given that term in section 101(24) of title 37, United States Code;

(6) the term "final civilian monthly rate of pay" means—

(A) for an individual who was last paid as a Federal employee on a monthly basis, such individual's final monthly rate of pay as such an employee; and

(B) for an individual who was last paid as a Federal employee on any other basis, the monthly equivalent of such individual's final rate of pay as such an employee (determined under regulations under section 3); and

(7) the term "monthly military compensation" means the amount of regular compensation (as defined in section 101(25) of title 37, United States Code), special and incentive pays, and allowances paid under that title to the individual involved for a month.

SEC. 3. REGULATIONS.

The Director of the Office of Personnel Management, in consultation with Secretary of Defense, shall prescribe regulations to carry out this Act.

SEC. 4. EFFECTIVE DATE.

This Act shall be effective as of August 2, 1990.•

By Mr. HEINZ:

S. 606. A bill to amend the Wild and Scenic Rivers Act by designating certain seqments of the Allegheny River in the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and National Resources.

ALLEGHENY NATIONAL RECREATIONAL RIVER ACT

Mr. HEINZ. Mr. President, I rise today to introduce legislation to des-

ignate 85 miles of the Allegheny River in Pennsylvania as a national recreation river under the Federal Wild and Scenic River System.

Twenty-two years ago, Congress enacted the Wild and Scenic River Act of set the policy of the United States of protecting and preserving certain rivers in the United States that possess remarkable scenic, geologic, historic, cultural, or recreational attributes.

In 1978, Congress directed the Forest Service to study 128 miles of the Allegheny River. The Allegheny River is located in northwestern Pennsylvania in the majestic Appalachian Plateau Region. It flows from its origins in Potter County, PA, northwest through a small portion of New York State, and then swings southwest through Pennsylvania, converging with the Monongahela River at Pittsburgh to form the Ohio River. The study focused on a segment of the river from Kinzua Dam to East Brady, PA. It was completed earlier this year by the Forest Service personnel of the Allegheny National Forest who concluded that 85 milies of the river contained outstandingly remarkable values.

Mr. President, this finding is no surprise to those of us familiar with this pristine area of Pennsylvania. Approximately 30 percent of the 85 mile river segment winds through the Allegheny National Forest, which is truly one of our National treasures; the remaining portion moves through both public and private lands.

Because no section of the Allegheny River was remote enough or free enough of development to be classified as a wild river area, the 85 miles of the river will be designated as a recreational river.

To ensure that the local citizenry has maximum input into a U.S. Forest Service Management Plan, this legislation creates two citizen advisory groups to give advice on the establishment of final boundaries and the management of the river. In addition, this bill authorizes the Secretary of Agriculture to implement interim protection measures to protect the river's remarkable values prior to full implementation of the management plan.

Let me take a moment and explain why protection of this river is important to the rich historical and environmental characteristics of northwestern Pennsylvania.

Various cultures and groups have used the Allegheny River for more than 12,000 years. From prehistoric times to the period of Euro-American settlement, the Allegheny River has been the principal travel route linking the Mississippi and Ohio River area with the Great Lakes. The Seneca Indians used to canoe the beautiful waters of the Allegheny 300 years ago. Among the Indian artifacts on the river is the so-called Indian God Rock which is listed in the National Register of Historic Places. Early colonists explored and settled along this natural river corridor before the United States was formed. The region was a major strategic objective during the French and Indian wars. Needless to say, during the ebb and flow of human activity, each group of people left its mark; consequently leaving a rich lode of archaeological and cultural artifacts for modern man.

Despite its attractiveness to settlers over the years, the river corridor remains a relatively sparsely populated and naturally forested area. It is habitat for a rich diversity of animal, fish and plant life. For example, the Pennsylvania Fish and Wildlife Database lists 394 species of mammals, birds, amphibians, reptiles, and fish that are likely to be found in the river corridor. Of these species, 34 are designated as State threatened, endangered, or of special concern. Providing additional protections to the river will also provide additional protections to the species who live there. I would mention, Mr. President, that the bald eagle is the only federally listed endangered species known to occur in the corridor. And we are hopeful to foster a resurgence of our national symbol in the Allegheny Forest region with this bill.

Mr. President, this legislation is supported by the entire Pennsylvania congressional delegation. My good friend, BILL CLINGER introduced the companion bill in the House of Representatives and has been the driving force behind protecting and preserving this national treasure for the benefit of future Pennsylvanians and all Americans.

Mr. President, I urge all of my colleagues to support this important legislation and 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. 606

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

SECTION 1. DESIGNATION OF ALLEGHENY RIVER.

In order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Allegheny River in the Commonwealth of Pennsylvania, and to assist in the protection, preservation, and enhancement of the fisheries resources associated with such river, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) ALLEGHENY, PENNSYLVANIA.—The segment from Kinzua Dam downstream approximately 7 miles to the United States Route 6 Bridge, and the segment from Buckaloons Recreation Area at Irvine, Pennsylvania, downstream approximately 47 miles to the southern end of Alcorn Island at Oil City, to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement with the Commonwealth of Pennsylvania and the counties of Warren, Forest, and Venango, as provided under section 10(e) of this Act; and the segment from the sewage treatment plant at Franklin downstream approximately 31 miles to the refinery at Emlenton, Pennsylvania, to be administered by the Secretary of Agriculture as a recreational river through a cooperative agreement with the Commonwealth of Pennsylvania and Venango County, as provided under section 10(e) of this Act.".

SEC. 2. ADVISORY COUNCILS FOR THE ALLEGHENY NATIONAL RECREATIONAL RIVER.

"(a) ESTABLISHMENT.—The Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall establish within 120 days after the date of enactment of this Act 2 advisory councils to advise him on the establishment of final boundaries and the management of the river segments designated by section 1 of this Act (hereinafter referred to as the "Allegheny National Recreation River"), as follows:

(1) The Northern Advisory Council, to provide advice for the management of the segments of the Allegheny National Recreation River between Kinzua Dam and Alcorn Island; and

(2) The Southern Advisory Council, to provide advice for the management of the segment of the Allegheny National Recreation River between Franklin and Emlenton.

"(b) NORTHERN ADVISORY COUNCIL.—(1) The Northern Advisory Council shall be composed of 9 members appointed by the Secretary" as follows:

(A) The Forest Supervisor of the Allegheny National Forest, or his designee, who shall serve as chair of the Council and be a nonvoting member.

(B) The Secretary of the Department of Environmental Resources of the Commonwealth of Pennsylvania, or his designee.

(C) 6 members, 2 from each county from recommendations submitted by the County Commissioners of Warren, Forest, and Venango Counties, of which no fewer than 2 such members shall be riparian property owners along the Allegheny National Recreation River.

(D) One member from a nonprofit conservation organization concerned with the protection of natural resources from recommendations submitted by the Governor of the Commonwealth of Pennsylvania.

(2) Members appointed under subparagraphs (C) and (D) of paragraph (1) shall be appointed for terms of 3 years. A vacancy in the Council shall be filled in the manner in which the original appointment was made.

(3) Members of the Northern Advisory Council shall serve without pay as such and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out their responsibilities under this Act.

(4) The Northern Advisory Council shall cease to exist 10 years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

(c) SOUTHERN ADVISORY COUNCIL.—The Southern Advisory Council shall be composed of 7 members appointed by the Secretary as follows:

(A) The Forest Supervisor of the Allegheny National Forest, or his designee, who shall serve as a nonvoting member.

(B) The Secretary of the Department of Environmental Resources of the Common-

wealth of Pennsylvania, or his designee, who shall serve as chairman.

(C) 4 members from recommendations submitted by the County Commissioners of Venango County, of which at least one shall be a riparian property owner along the Allegheny National Recreation River.

(D) One member from a nonprofit conservation organization concerned with the protection of natural resources, from recommendations submitted by the Governor of the Commonwealth of Pennsylvania.

(2) Members appointed under subparagraphs (C) and (D) of paragraph (1) shall be appointed for terms of 3 years. A vacancy of the county representatives on the Council shall be filled in the manner in which the original appointment was made.

(3) Members of the Southern Advisory Council shall serve without pay as such and members who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission. Each member shall be entitled to reimbursement for expenses reasonably incurred in carrying out their responsibilities under this Act.

(4) The Southern Advisory Council shall cease to exist 10 years after the date on which the Secretary approves the management plan for the Allegheny National Recreation River.

SEC. 3. ADMINISTRATION OF ALLEGHENY NATIONAL RECREATION RIVER.

(a) BOUNDARIES.—After consultation with the State of Pennsylvania, advisory councils, local governments, and the public, and within 18 months after the enactment of this Act, the Secretary shall take such action with respect to the segments of the Allegheny River designated under section 1 of this Act as is required under section 3(b) of the Wild and Scenic Rivers Act.

(b) INTERIM MEASURES.—As soon as practicable after enactment of this Act, the Secretary, shall issue interim land and water use control measures for the Allegheny National River to be developed and implemented by the appropriate officials, until final guidelines are developed and approved by the Secretary for such river. The interim land use measures shall have the objective of protecting the outstandingly remarkable values, as defined by the Secretary, of the Allegheny National Recreation River by recommending development guidelines for new commercial or industrial uses.

(c) ADMINISTRATION OF CERTAIN SEGMENTS.—(1) Land and mineral rights acquired by the Secretary for the purpose of managing the Allegheny National Recreation River segments located between Kinzua Dam and Alcorn Island shall be added to and become part of the Allegheny National Forest.

(2) Land and mineral rights acquired by the Secretary for the purpose of managing the Allegheny National Recreation River segment located between Franklin and Emlenton may be managed under a cooperative agreement with the Commonwealth of Pennsylvania.

(d) ACQUISITION OF LAND AND MINERAL RIGHTS.—The authority of the Secretary to acquire lands and mineral rights outside the boundary of the Alleghney National Forest for purposes of managing the Allegheny National Recreation River is limited to acquisition by donation or with the consent of the landowner. The Secretary may acquire scenic easements for the purposes of managing the river.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this act.

By Mr. LAUTENBERG (for himself, Mr. MOYNIHAN, Mr. HEINZ, Mr. BRADLEY, and Mr. SEYMOUR):

S. 607. A bill to require a modification of the criteria applicable to the selection of military installations for closure and realignment under the Defense Base Closure and Realignment Act of 1990; to the Committee on Armed Services.

BASE CLOSURE AND REALIGNMENT SELECTION CRITERIA

• Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation, along with my colleagues, Senator MOYNIHAN, Senator HEINZ, Senator BRADLEY, and Mr. SEYMOUR, to amend the Department of Defense's "Selection Criteria for Closing and Realigning U.S. Military Installations." We introduce this legislation because of our concern that economic burdens of base closures and realignments be spread equitably throughout the Nation.

On February 15 the Department of Defense published eight criteria to guide both the Secretary of Defense's proposals for base closings and realignments and the Base Closing Commission's review of those proposals. The Pentagon published the criteria pursuant to the new base closing process established in the Fiscal Year 1991 Defense Authorization Act. The criteria are subject to congressional disapproval until March 15.

Rather than disapprove the criteria in their entirety, our bill would amend them to include the critical factor of regional economic equity. Consideration of the regional economic impact of base closures and realignments is appropriate and consistent with the other criteria already published.

Mr. President, my State is already bearing a large share of the economic burden of the base closures and realignments ordered by the last Base Closing Commission. As a result of judgments based on errors confirmed by the GAO, Fort Dix is being phased down.

Of course, in selecting bases to close or realign, great weight must be given—as the Pentagon proposes—to a base's military value, as is seen in the context of the Department of Defense's overall force structure and needs. Other criteria relate to the extent and timing of budgetary savings.

Yet, the Pentagon itself proposes to apply certain important criteria even though they are unrelated to military mission or the budget. These criteria include consideration of the environmental impact of a closure or realignment and the "economic impact on a community" of a base closure or realignment.

If the Department of Defense considers the local economic impact of closures, which it should, then it also should consider the regional economic impact of closures as well. Our bill would explicitly require the Secretary of Defense and the new Base Closing Commission to consider regional economic impact to ensure that all regions of the country—to the extent possible—bear their fair share of the economic burden of closing or realigning our defense installations.

The fact is that in the last round of base closures and realignments, the Northeast and Midwest States bore a disproportionate share of the economic burden. While my region accounted for roughly 21 percent of total military salary wages, it bore 54 percent of the personnel reductions ordered by the Commission.

Mr. President, I have discussed these issues with Army Secretary Stone. Many have acknowledged that the cost savings projected for the closing of Fort Dix and other bases will not come to pass. Also, as a businessman, I know that things can look very net on paper but bear fruit in reality.

Reportedly, draft internal Army documents suggest, in the name of cost savings and efficiency, the closing of Fort Monmouth and Picatinny Army Armament, Research, Development, and Engineering Center in New Jersey and consolidating their functions at Army facilities in Huntsville, AL. Mr. President, Picatinny has played a indispensable role in the design and development of weapons, including many weapons used in Desert Storm, as well as serving as a "life cycle support center" which involved supporting and trouble shooting for these weapons once deployed.

Fort Monmouth has been engaged in important research and development work in communications and electronics that helped maximize the effectiveness of United States fighting forces, including those deployed in the war with Iraq.

Mr. President, we all marveled at the technological superiority of our fighting forces in the gulf. Technology is the product of these two facilities and their work force. Among their strongest assets is the skill, training, and dedication of their work force. If these bases are closed and their functions are moved, it is not all clear that the work force will move as well; and the loss may be the Army's—in lost innovation that is difficult to quantify.

Mr. President, the Secretary of Defense should give full consideration to spreading equitably the burden of any recommendations he makes for base closing and realignments. I urge my colleagues to support this amendment to the criteria, to assure a fairer base closure and realignment process.

I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks.

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

S. 607

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

SECTION 1. BASE CLOSURE AND REALIGNMENT SELECTION CRITERIA

The criteria applicable to the selection of military installations for closure and realignment under the Defense Base Closure and Realignment Act of 1990 (title XXIX of the National Defense Authorization Act for Fiscal Year 1991; 104 Stat. 1808 et seq.; 10 U.S.C. 2687) shall include the extent to which a proposed closure or realignment of a particular military installation is consistent with a fair allocation of the economic burden of base closures and realignments across the United States, considering all military installations proposed for closure or realignment under the Defense Base Closure and Realignment Act of 1990 and all military installations selected for closure or realignment under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (102 Stat. 2627; 10 U.S.C. 2687 note).•

By Mr. CRANSTON:

S. 608. A bill to reorganize the agencies of the United States involved in migration affairs into a new Agency for Migration Affairs; to the Committee on Governmental Affairs.

MIGRATION AFFAIRS REORGANIZATION ACT

Mr. CRANSTON. Mr. President, last year, a very important report was presented to Congress by the Commission for the Study of International Migration and Cooperative Economic Development. As some of my colleagues may recall, Congress established this bipartisan Commission under the auspices of the Immigration Reform and Control Act of 1986 [IRCA] to investigate the "push factors" that cause persons to flee their own countries and immigrate into the United States without proper documentation. The report, entitled "Unauthorized Migration: An Economic Development Response," is the culmination of a 3-year study of these push factors.

Mr. President, the Commission's conclusions make excellent sense. Stemming undocumented immigration to this country will never be a reality if we rely solely on border controls and the continued enforcement of the failed employer sanctions program. Rather, an effective solution will require a combination of strategies, both at home and abroad.

One Commission idea in particular merits the serious consideration of the Congress—the establishment of an independent agency with jurisdiction over immigration and refugee matters. I am today reintroducing legislation to establish an Agency for Migration Affairs, which would consolidate most of the immigration and refugee functions that are currently being handled or mishandled by a myriad of Federal bureaus. At present, there are at least five agencies that have jurisdiction over some area of migration policy. These agencies and their various bureaus are often not working in coordination with each other; in fact, they sometimes duplicate each others functions.

Presently, the Immigration and Naturalization Service [INS] has the primary responsibility for shaping and implementing the Nation's immigration policy. In January 1991, the General Accounting Office [GAO] released a report which documented the failure of the INS to carry out their duties effectively. Specifically, the report found that the INS lacked leadership and budget accountability and is highly fragmented with complicated lines of authority and communications. The GAO made a number of recommendations but concluded that acting on their recommendations alone will not solve the trouble-striken agency "Something more fundamental must occur."

Mr. President, I represent a State with the single largest immigrant and refugee populations in the Nation. California is home to over 6 million legal immigrants, an estimated 500,000 refugees, and, though it is difficult to calculate, 500,000 undocumented immigrants. I have endured with my constituents the frustrations of dealing with a patchwork of ineffective Federal bureaucracies in resolving extremely complex problems—some of which are life threatening. I have also witnessed the inexplicable separation of our domestic and foreign policies with respect to migration consequences. In my view this is shortsighted and contrary to common sense.

The legislation I introduced today would elevate immigration and refugee policy to a national policy by reorganizing the currently fragmented Government structure into one cohesive entity. An independent Agency for Migration Affairs would infuse this area of policymaking with the direction and leadership that are lacking at present. My bill would also promote the coordination of U.S. domestic and foreign policy agendas—a major concern for the Commission. It is time the administration and Congress consider the potential migration consequences of major decisions in the areas of trade, developments and foreign relations when formulating those policies.

Mr. President, once again I applaud the Commission for its excellent report and look forward to working with my colleagues in the Senate in implementing this and other recommendations made by the Commission.

I ask for unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 608

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 "Migration Affairs Reorganization Act of 1991".

SEC. 2. PURPOSES.

It is the purpose of this Act—

(1) to ensure that migration be given a high priority on the United States domestic and foreign policy agendas;

(2) to make sure that migration consequences are carefully considered by policymakers involved in trade, development, and international economic matters;

(3) to ensure an efficient, rapid, and coordinated response to any migration emergency that occurs in the future; and

(4) to place the responsibility for formulating and implementing United States immigration policy in a single, high-level official, reporting directly to the President.

SEC. 3. ESTABLISHMENT OF THE AGENCY FOR MIGRATION AFFAIRS.

(a) There is established the Agency for Migration Affairs (hereafter in this Act referred to as the "Agency").

(b)(1) The Agency shall be headed by the Commissioner for Migration Affairs (hereafter in this Act referred to as the "Commissioner") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Section 5315 of title 5, United States Code, is amended by striking out "Commissioner of Immigration and Naturalization, Department of Justice" and inserting in lieu thereof "Commissioner for Migration Affairs".

SEC. 4. DUTIES OF THE AGENCY.

The Agency shall—

(1) provide overall leadership and direction for United States immigration policy;

(2) assess the potential impact on migration of major United States policy decisions, including a review of formal policy statements to be required from appropriate Federal offices;

(3) carry out a comprehensive review of current immigration and refugee laws and policies in an effort to ensure that such laws and policies reflect current migration patterns, needs, and realities; and

(4) develop data bases and analyses which will enable the Agency to project future trends in international migration, to monitor migration developments, and to prepare appropriate contingency plans for migration emergencies that may occur.

SEC. 5. TRANSFER OF FUNCTIONS.

There are transferred to the Commissioner all functions carried out on the day before the effective date of this Act by the Attorney General or the Commissioner of Immigration and Naturalization with respect to immigration laws of the United States and by the Secretary of State with respect to section 104(a) of the Immigration and Nationality Act and the following components of the Department of State: the Bureau of Consular Affairs (except for such functions as relate to assistance for Americans abroad), the Bureau of Refugee Programs, and the asylum unit of the Bureau of Human Rights and Humanitarian Affairs.

SEC. 6. TRANSFER OF PERSONNEL AND ASSETS.

(a) The personnel employed in connection with, and the assets, liabilities, contracts,

property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions transferred by section 5, subject to section 202 of the Budget and Accounting Procedures Act of 1950, are transferred to the Commissioner for appropriate allocation.

(b) The transfer pursuant to this Act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after such transfer or after the effective day of this Act, whichever is later.

(c) Any person who, on the day before the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position for the duration of the service of such person in such new position.

SEC. 7. INCIDENTAL DISPOSITIONS.

(a) The Director of the Office of Management and Budget, at such time or times as such Commissioner shall provide, is authorized and directed to make such derminations as may be necessary with regard to the transfer of functions which relate to or are utilized by an officer, office, commission or other body, or component thereof, affected by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions transferred by this Act, as may be necessary to carry out the provisions of this Act.

(b) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such time as the Director of the Office of Management and Budget provides, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with functions and offices transferred by this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Commissioner, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with the law by the President, the Commissioner, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The provision of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the governmental units described in section 5. Such proceedings and applications shall be continued before the Commissioner. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Commissioner, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Commissioner is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the governmental units described in section 2 shall abate by reason of the enactment of this Act. No cause of action by or against the governmental units described in section 5 or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, the governmental units described in section 5, or any officer thereof in the official capacity of such office, is a party to an action, such action shall be continued with the Agency or other appropriate official of the Agency substituted or added as a party.

(f) Orders and actions of the Commissioner in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the head of the appropriate governmental unit described in section 5 or his delegate exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearing, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Director.

SEC. 9. REFERENCES IN FEDERAL LAW.

With respect to any functions transferred by this Act and exercised after the effective date of this Act, any reference in any other Federal law to the governmental units described in section 5 or any head thereof shall be deemed to refer to the Agency or the Commissioner, respectively.

SEC. 10. ABOLISHMENT OF PRIOR OFFICES.

(a) The Immigration and Naturalization Service and the office of the Commissioner of Immigration and Naturalization are abolished.

(b) Sections 103(b) and 104(b) of the Immigration and Nationality Act are repealed.

SEC. 11. EFFECTIVE DATE.

The provisions of this Act shall take effect 180 days after the date of enactment.

By Mr. CRANSTON:

S. 609. A bill to provide an 8-percent pay increase for General Schedule employees within the San Diego, CA, Metropolitan Statistical Area; to the Committee on Governmental Affairs.

SAN DIEGO GENERAL SCHEDULE PAY INCREASE

Mr. CRANSTON. Mr. President, today I am introducing legislation that will serve to alleviate an inequality in levels of pay for Federal employees.

When President Bush, under the authority of the Federal Employees Pay Comparability Act of 1990, ordered 8-percent pay increases for General Schedule employees in the New York, San Francisco, and Los Angeles consolidated metropolitan statistical areas [CMSA's], he neglected to include employees in San Diego County.

I certainly favor the 8-percent increases for General Schedule employees in the New York, San Francisco, and Los Angeles areas. These three localities have high costs of living and difficulty retaining Federal employees. But San Diego has these same problems.

In looking at San Diego County in relation to the counties that make up the Los Angeles Area—Los Angeles, Orange, Riverside, San Bernardino, and Ventura—it is clear that comparable situations exist. First of all, it should be noted that San Diego County is adjacent to the Los Angeles consolidated metropolitan statistical area. The fact that San Diego County falls outside of a statistically defined area should not be a reason to exclude its employees, who work a mere few miles away from their Orange and Riverside County neighbors. Surely we can look at problems with more care than depending on geographical statistical definitions that do not necessarily bear on problems faced by Federal employees.

Numerous objective criteria demonstrate the inequity of excluding San Diego Federal employees from the benefits of the 8-percent pay adjustment. For example, according to the San Diego Federal Executive Association, when the pay increase order was put into effect, San Diego County had more special salary rates than four of the five counties in the Los Angeles CMSA. The existence of special salary rates generally indicates problems in attracting personnel.

Regarding the cost of living, the American Chamber of Commerce Researchers Association [ACCRA] conducted a survey for the third quarter of 1990 that found that San Diego has a higher relative cost of living than Orange County, Ventura County, and Riverside among many other areas in California.

A look at housing prices—a major contributing factor to the cost of living—is also instructive. The median sales price for houses in San Diego County is below the prices in Los Angeles and Orange Counties. According to the California Association of Realtors, however, the Riverside-San Bernardino area had a median home sales price of

$132,410 in December 1990, while the San Diego County median price was $181,720.

I would also note that the per diem rate schedule for reimbursing Federal employees during travel supports the conclusion that San Diego is comparable to other areas in California that did receive pay increases. The maximum per diem rate for stays in San Diego is $110. Los Angeles and San Francisco, of course, surpass this figure with per diem rates of $124 and $122 respectively. Most of the other California localities that received increases, however, fall slightly below the San Diego figure. For instance, Riverside County at $106, Oakland at $100, San Jose at $97, and San Bernardino County at $79. Based on these figures, it would appear that at least on one level, the Federal Government has assigned a cost of living to San Diego that exceeds that assigned to some areas that did receive 8-percent pay adjustments.

Mr. President, my intent in introducing this piece of legislation today is to remedy an inequity in the way some of my constituents in southern California are being treated. It is difficult to make comparisons between cities and counties, but it is clear that the cost of living in the San Diego area is comparable to that in areas that did receive 8 percent increases. Thus in order to deal fairly with the approximately 20,000 San Diego County Federal employees affected by this bill, we must include them in the recent pay adjustment. Federal employees work long and hard in the service of this country. We can best show that we appreciate their dedication by paying them adequately and fairly.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

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

S. 609

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

SECTION 1. PAY INCREASE.

(a) IN GENERAL.—Effective as of the first pay period beginning on or after the date of the enactment of this Act, pay for employees described in subsection (b) shall be determined as if the President had provided for an 8 percent increase with respect to such employees under section 302 of the Federal Employees Pay Comparability Act of 1990 (hereafter in this Act referred to as "FEPCA").

(b) APPLICABILITY.—Subsection (a) applies with respect to any General Schedule employee (including an employee covered by the performance management and recognition system under chapter 54 of title 5, United States Code) whose duty station is within the San Diego, California Metropolitan Statistical Area.

(c) ADMINISTRATION, REDUCTION, AND TERMINATION RULES.—The pay increase provided by subsection (a) shall be administered, subject to reduction or termination, and otherwise treated, as if it had been provided for under section 302 of FEPCA.

(d) APPLICABILITY OF OTHER RULES.—The provisions of subsections (a)(1)(D) and (d), respectively, of section 302 of FEPCA shall apply with respect to the pay increase provided by subsection (a).

(e) NO DOUBLE INCREASES.—Any pay increase provided by or under this Act for any employees within the area described in subsection (a) shall be in lieu of any increase otherwise allowable under section 302 of FEPCA with respect to those employees. Nothing in this subsection applies with respect to pay for service performed before the effective date set forth in subsection (a).

By Mr. BROWN:

S.J. Res. 87. Joint resolution relative to the liberation of Kuwait; to the Committee on Foreign Relations.

LIBERATION OF KUWAIT

• Mr. BROWN. Mr. President, this morning I join with my Republican colleagues in marking the great victory of the multinational coalition in liberating Kuwait.

It was truly phenomenal, by any measure.

Two months ago, two of the largest standing armies assembled in decades faced one across the Kuwaiti border: more than a million men, half stood for freedom and liberty, for individual rights and for international law. Uprooted from homes and families, from normal lives and everyday occupations, these men and women bravely shouldered the challenge, knowing full well that true freedom requires sacrifice.

The other half of this great fighting force had little about them that could be considered ennobling. There not so much to achieve a great purpose, many of these hapless Iraqis served only out of fear, facing certain death had they refused to do their leaders' bidding. At their Government's order, they had invaded a much smaller nation whose wealth their dictator coveted. And, while Saddam used the international media to hurl jeers and catcalls at our troops challenging their bravery and even their honor, the Iraqi armies committed atrocities we are only now learning the magnitude of. They looted Kuwait, hauling back to Baghdad everything from TV's to cosmetics; they raped, murdered, and tortured innocent Kuwaiti civilians, often in ways to horrid to mention, and systematically destroyed the wealth and resources of this helpless nation.

That's where we stood 2 months ago and the outlook was grim. Experts predicted thousands of casualties on both sides, and a war that was certain to last for months—if not years. Making the situation even worse was a Congress divided in its support for the President and reluctant to authorize the use of any force to drive this dictator from power. The Congress had dillied and dallied for months, never bold enough to take actions authorizing the use of force if necessary. Barely bold enough to bring themselves to follow the lead of the international community and authorize the use of "all necessary means" to drive Saddam from Kuwait. In fact 2 months ago today, there was a real question about whether the Congress had the guts to do anything at all!

In the face of these grim realities, George Bush truly persevered and deserves our praise and thanks. It was his efforts, and those of his administration, that held together a fragile international coalition through the "New World Order" of telephone diplomacy. It was the efforts of a dedicated administration that carefully answered the public's concerns and pulled together domestic support in spite of the very partisan rancor that attempted to sabotage their efforts. It was the President as Commander in Chief, and Dick Cheney and Gen. Colin Powell who put some of the best commanders in the world in the field, gave them enough trust and support to run an effective campaign, and resisted the temptation to micromanage their every decision.

Together with their Commander in Chief, our fighting men and women won a great victory in a few short weeks. At war's end, U.S. Central Command under the direction of Gen. Norman Schwarzkopf, announced that allied forces held more than 60,000 prisoners of war, most taken within the short space of 100 hours. The Iraqis held less than 50. During the aerial bombardment and subsequent ground campaign, the coalition forces had destroyed 3,300 of Saddam's 4,200 tanks—one of the world's largest tank armies. They had destroyed 2,100 other armored vehicles and 2,200 artillery pieces. Most importantly, our great victory was accomplished while sustaining losses that would be considered minimal in any conflict; unheard of in one of this magnitude.

We are celebrating a great victory. That is as it should be. But we cannot put this conflict completely behind us until we are certain we have had a full-accounting for all those missing in action, and of the thousands of Kuwaiti civilians deported to Iraq. More than a week ago, I introduced a joint resolution whose effect would be to keep economic sanctions in place until all prisoners of war are returned and those missing in action are fully accounted for.

It appears that, at least with respect to prisoners of war, the Iraqis are making genuine progress in returning them. But thousands of innocent Kuwaitis remain in Baghdad. Lifting economic sanctions before their release, and before all of those missing in action are fully accounted for seems premature. Today, I am introducing an updated version of my earlier joint resolution. This one keeps economic sanctions in place until all prisoners of war are returned, until all those missing in action are fully accounted for including the thousands of Kuwaitis captured

by the Iraqis and deported during the occupation of Kuwait.

I commend the President, the Secretary of Defense, the Secretary of State, Gen. Colin Powell, and General Schwarzkopf for a job well done, their staffs and the brave troops that did the tough, courageous work in Iraq and Kuwait. I urge all of my colleagues to join me in this joint resolution to ensure we do not let the Government of Iraq off the hook, and I thank all of those who have already done so.•

By Mr. SIMON (for himself, Mr. ADAMS, Mr. AKAKA, Mr. CONRAD, Mr. DODD, Mr. GRAHAM, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PELL, Mr. SARBANES, Mr. KOHL, Mr. SANFORD, Mr. DIXON, Mr. INOUYE, Mr. CRANSTON, Mr. BRADLEY, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DECONCINI, Mr. DOLE, Mr. DURENBERGER, Mr. JEFFORDS, Mr. MACK, Mr. SPECTER, Mr. HATCH, Mr. DOMENICI, and Mr. MURKOWSKI):

S.J. Res. 88. Joint resolution to designate the week of October 7, 1991, through October 13, 1991, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

• Mr. SIMON. Mr. President, I rise today, along with 28 of my distinguished colleagues to introduce a joint resolution designating the week of October 7, 1991, through October 13, 1991, as "Mental Illness Awareness Week."

Congress has for the past 8 years designated this week as Mental Illness Awareness Week. The goal of this resolution is to educate the American public about the stigma surrounding mental illness. Two groups that have led the efforts to educate the American public have been the American Psychiatric Association and the National Alliance for the Mentally Ill.

According to a recent report published in the "Archives of General Psychiatry," one in five Americans suffer from a psychiatric problem. A closer examination of various subgroups reveals that 15 to 25 percent of the elderly suffer from significant symptoms of mental illness, approximately 12 million children under the age of 18 suffer from serious mental disorders, and 15 percent of all Americans will suffer a major depressive disorder during their lifetime.

Although the great majority of homeless individuals do not suffer from psychiatric problems, almost one third of homeless individuals, many of whom have been discharged from hospitals and receive inadequate followup services, suffer from psychiatric disorders.

The prevalence of psychiatric disorders has a massive effect upon our society. The direct treatment costs and indirect costs from lost productivity associated with mental illness are in the billions of dollars. Our total Federal expenditure on research into the causes and treatment of mental illness is less than $400 million. The treatment and prevention of mental disorders require greater research in this area.

On a per-patient basis, we spend fewer dollars on research into schizophrenia and depression than we do on muscular dystrophy and multiple sclerosis. That is not to say that we should spend less in these areas, but rather that we must allocate greater funds in all the health areas. I believe we can do better.

The human tragedies associated with mental illness are revealed each day in the newspaper, television, or films. Yet we do not really grasp the severity of the problem until it affects someone close to us. It is at this point that the stigma attached to mental illness becomes a reality.

This resolution attempts to educate our citizens and to eliminate the myths associated with mental illness. People struggling with mental illness are not evil persons nor are they individuals who do not possess the fortitude to survive in society. Public apathy surrounding the seriousness of mental illness must be overcome if we are to solve this problem.

I ask my colleagues to join in this effort by cosponsoring this joint resolution.•

By Mr. DECONCINI:

S.J. Res. 89. Joint resolution expanding U.S. support for the Baltic States; to the Committee on Foreign Relations.

EXPANDED SUPPORT FOR THE BALTIC STATES

• Mr. DECONCINI. Mr. President, today I am introducing a joint resolution which seeks to expand U.S. support for the Baltic States.

We have witnessed a remarkable change in the nature of the Soviet Union over the course of the past several years. That change, brought about by the reforms introduced by Mikhail Gorbachev, created a political atmosphere in which the Baltic States could translate into action their firmly held aspirations to reassert their national independence. Their actions have resulted in three democratically elected parliaments, all of which have expressed their desire to make actual the de jure independence they have had since 1918 and which the United States has never ceased to recognize. Furthermore, plebiscites have recently been held in all three States which demonstrate that there is overwhelming popular support for independence, and not just among ethnic Balts. The Soviet response to these aspirations has included an economic boycott and armed violence.

Mr. President, it is time for the United States to go beyond pious words of support and to act on the legitimate demand for independence in the Baltics. This resolution calls for the first steps in such active support. The resolution calls for the United States to do four things: To establish a presence in each of the Baltic States; to channel United States Government and private aid directly to the Baltics; to establish and maintain contact with the Parliaments of Lithuania, Latvia, and Estonia as the only legitimate legislative bodies having authority on Baltic soil; and, finally, to propose and to seek support for observer status for the Baltics in the Conference for Security and Cooperation in Europe. I urge my colleagues to cosponsor this resolution and to register once again U.S. commitment to support the aspirations of freedom loving people throughout the world. Congressman HOYER, chairman of the Helsinki Commission, has introduced a companion resolution in the House of Representatives.•

By Mr. CRANSTON:

S.J. Res. 90. Joint resolution to establish a national policy for the taking of predatory or scavenging mammals and birds on public lands, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL PREDATOR ON PREDATORS

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish a national policy for the taking of scavenging mammals and birds on public lands, and for other purposes.

Mr. President, the history of our environmental crisis is a story of relationships gone wrong. The human race has presumed a superiority over other creatures that has led to a mindless wasting of entire species—should they come in the way of progress, as we define the term. Over and over again, we demonstrate our lack of understanding of the interdependence of all species. We fail to comprehend, in John Muir's words, that "everything in the universe is hitched to everything else."

To understand our self-made predicament we have no further to look than wildlife management in our country. Here, our desire for dominion has exceeded nature's bounds.

When I first introduced a bill to require Federal policy to take seriously the relationship between predator and prey species, the issue seemed arcane to many. But I believe this bill will be taken more seriously now. For we are discovering, however painfully, that this is more than a mechanistic world that we can shape to our own ends. We are learning that costs are paid when human hands tip the scales of ecological balance.

The bill I introduce today—as in previous Congresses—addresses three critical issues in national wildlife management, especially management policies as they relate to predators and prey. One is the need to establish, within the

broad parameters of wildlife management policies, a clear understanding and recognition of the interdependency of predator and prey; a second is the need to establish a national policy to protect predator or scavenger populations—mammals or birds—on public lands, a policy that reflects a thorough understanding of three interdependent relationships; and a third is the need to set forth a series of clear, statutory procedures to limit the taking of predators on public lands. These procedures must be responsive to the right of all Americans to know how wildlife management policies relevant to predators are being carried out on lands that are owned by the public and managed in the national interest.

Predators and scavengers in the environment are indispensable. Every ecosystem has predatory forms of life. Few animal species, except larger predators themselves, are completely free from predation.

We are beginning, through studies in ecology and evolutionary biology, to understand just how important predators are in the ecosystem. We are learning to see predators not just as obstacles to the flourishing of life, but as vital components in the chain of life that includes man. In fact, in this chain, predators have a niche every bit as important to the survival of the Earth's species as any other part of that chain.

Just as the introduction of exotic species can adversely affect the balance of an ecosystem, so can the removal of predators. Predators are known to be vital to keeping plant-eating animal populations from overgrazing and consequently disrupting the food chain within an ecosystem. Without predators, prey populations tend to expand beyond the ability of an ecosystem to sustain that population. Predator populations themselves are kept in check by a system of natural controls, including the size of the prey population.

Predators, too, are powerful evolutionary forces on their prey. In fact, as naturalist Stephen Jay Gould points out, natural history to a large extent is a tale of different adaptations to avoid predation.

It's not unusual, for example, to see a squirrel dart almost purposefully in front of a car, often with fatal results for the animal. In its moment of panic, the squirrel holds its bushy tail over its back and zigzags wildly on the road. Actually, the animal is responding the same way it does when fleeing a predator, and while the technique is faulty for escaping cars, a pursuing hawk is likely to either miss the squirrel entirely or grasp only the tail fur instead of the animal.

The mourning dove is one of the commonest bird species in North America. The dove also knows the value of dodging when attempting an escape, and doves play tricks with their tails, too. The mourning dove is quite drab in coloration, except that each tail feather is tipped in white. As the bird flees, its outspread tail presents a vibrant semicircle of white spots—a target, in effect, to catch a predators's eye. But to grasp a dove's tail is to receive a loose bunch of feathers instead of a struggling dove.

But escape is not the only way species deal with predation. Another ploy is the phenomenon of predator satiation, where a species will flourish with such speed and in such numbers that the predators' ability to deplete an entire species is simply overwhelmed. Such species expansions occur in relatively short bursts, and then subside, and the theme of nature—balance—reigns once more.

The point is, if predators were suddenly taken from the environment, one very powerful factor would be removed from the ecological balance which nurtures animal and plant life on Earth. Animal species became adapted to survival through all kinds of environmental factors, including natural populations of predators which themselves are continually refining their own adaptations through this same process of evolution. This system accounts for what we see and revere as life on Earth. It is a system that is remarkably effective, and with which we tamper at our peril.

This is not to say that individual predators cannot be removed from the environment. They can be, and sometimes they must be. But the wholesale slaughter of predator species carries with it the long-range threat of impeding the survival-by-adaptation of significant animal species. By implication, we impede human progress. Animal species, of which man is one, are interdependent.

Wildlife managers often attempt to duplicate the quantitative impact of predation through establishing hunting seasons geared to remove the harvestable surplus of an animal population. However, wildlife managers cannot duplicate the qualitative impact of predation in any practical sense. For example, a tiger may attempt 30 kills before finally succeeding. Likewise, a falcon may pursue two dozen quarry before making a kill. Each unsuccessful attempt means the adaptations of the prey were sufficient to keep it alive. Each successful kill represents a prey individual that was carrying some fatal disadvantage—physical incapability, age, injury, disease, or some unknown quality which might be generalized as bad luck. Thus, predators exert consistent pressures on the prey that are beneficial to the health of the prey population. Wildlife professionals are increasingly sensitive to the indispensable presence of natural predator populations.

Mythology about predators still persists. Some people still swear that wolves, cougars, or other predators are capable of obliterating, for example, the deer population in a given region or State. Such assertions are simply not supported by the facts. Predator-prey systems have persisted throughout the millenia, and both predators and prey species have evolved mechanisms which tend to keep the whole system operating as long as favorable environmental conditions persist.

Fluctuations in prey populations can actually be reduced by the presence of predators. As a case in point, the moose population on Isle Royale National Park, an island ecosystem in Lake Superior, persisted, unevenly, for many years in the absence of wolves. The population was observed to rise steeply for a time and then crash abruptly when available browse was exhausted. This cycle was observed at least twice in the early 20th century. Wolves eventually colonized the island by crossing the winter ice. What researchers later observed was that both predator and prey populations steadied themselves through their interactions: The moose population neither rose as high nor fell as low in the presense of the wolves, and the wolf population itself held relatively steady year after year.

For the wolf, pack structure is the key to balance between predator and environment. If prey species decline, the wolf pack feels the stress of limited food supplies. Stress is reflected in increased friction between pack members. Eventually, some pack members may be ejected from the pack to face uncertain survival odds on their own. Even in the best of conditions, the social order of the pack permits only the dominant male and dominant female to mate; each pack produces only one litter of pups in a season. In times of stress, however, the pups are the first to die, thus maximizing the chances for survival of the adult pack unit upon which the wolves depend so heavily. The pack structure is best interpreted as an adaptation which enables the wolf to take prey larger and stronger than a single wolf, which maximizes the survivability of each pack member, and which keeps the wolf from out-eating the available prey.

Many other predators and scavengers show adaptations as sophisticated as those of the wolf. There are predators capable of exploiting almost every form of life. Ospreys dive after fish; black-footed ferrets—now critically endangered—prey on burrowing prairie dogs beneath the Earth; the pine martin races after squirrels in the trees. In every case, the predator is an important component of the ecosystem, and every effort should be made to understand and protect this natural order.

The policies of the Federal Government regarding predators must be viewed in this context.

The Federal Government is charged with stewardship over our 450 million acre public domain heritage. The land is held in trust for all Americans, and is properly administered under multiple-use guidelines.

The traditional framework for wildlife management involving resident species, or most wildlife other than migratory birds, involves State fish and wildlife agencies operating under cooperative agreements with the Bureau of Land Management. Eagles and other raptors, wild horses and burros, and marine mammals are administered under Federal law on both State and Federal land.

The State-Federal cooperative agreements have created an acceptable and proper basis for wildlife management activities. The States have done a good job of organizing their wildlife departments and administering wildlife restoration projects, hunting seasons, and research programs.

Where public lands are involved, the Federal Government has the responsibility to respect and uphold the public interest. Public land managers and wildlife managers operating on public land must not lose sight of this fundamental tenet. Further, decisions involving major public land programs must be evaluated in light of the impact of public values. Such an evaluation must involve both the Federal Government and the public.

The bill I introduce today provides an adequate system for review and decision on national predator policies and action. I believe it will provide a comprehensive examination of Federal policy with regard to predators, and that such an examination will help us avoid costly, nonproductive management mistakes—mistakes that derive susbstantially from a continuing failure to comprehend the essential relationship between predator and prey.

Mr. President, I ask unanimous consent that the text of my resolution and a section-by-section analysis be printed at this point in the RECORD.

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

S.J. RES. 90

Whereas article IV, section 3, clause 2 of the Constitution vests authority in the Federal Government to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States," and

Whereas predators and scavengers are indispensable to the health and stability of natural ecosystems and to prey species in particular, and

Whereas the extermination of predators has resulted in dramatic instability of prey populations and attendant habitat deterioration, and

Whereas there is no evidence that nonhuman predation alone is a cause of extinction of prey, and

Whereas organisms tend to be closely adapted to their environment by evolution, whereby their survival ability is greatest, and

Whereas evolution occurs in response to changing environmental parameters, including the living and nonliving components of the ecosystem, and

Whereas a thorough understanding of the interdependent relationship between predator and prey is essential to sound wildlife and land use planning at all levels of government, and furthermore,

Whereas the Convention on International Trade in Endangered Species of Wild Fauna and Flora, as ratified by the United States Senate, stipulates that native species of wildlife should be maintained throughout their range at a level consistent with their role in the ecosystems in which they occur: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all taking of predators or scavengers naturally occurring on public lands for all or part of their life cycles is hereby prohibited unless such taking is approved according to the requirements of sections 3 or 4 of this joint resolution.

SEC. 2. For the purposes of this Act, the following definitions apply:

"Predators" include individuals of any species of bird or mammal that regularly capture or consume other vertebrate species.

"Wildlife" includes all species of the animal kingdom (persisting for all or part of their life cycles on ecosystems of the United States, its coastal waters, or adjacent islands) which are covered by the provisions of this Act.

"Public lands" means any lands belonging to the United States of America on which regulations regarding taking of wildlife covered by this Act are or may become less restrictive than those herein provided.

"Species" includes any species of wildlife covered by this Act and any other group of wildlife covered by this Act of the same species or smaller taxa in common special arrangement that intebreed when mature.

"Person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct, for any purpose, any wolf, predator, or other form of wildlife covered by this Act, excluding taking for subsistence purposes.

"Scavengers" include individuals of any species of bird or mammal that naturally feed upon the remains of dead vertebrate species.

An "ecosystem" is the basic ecological unit including the living organisms, the nonliving environment, and the interactions between individual organisms, between species, and between organisms and the environment.

A "secretary" is the head of a Federal agency having land management responsibilities, including the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the head of the Tennessee Valley Authority, and others.

SEC. 3. Proposed actions by any person involving the taking of predators or scavengers naturally occurring on public lands of the United States may be carried out (unless prohibited by other statute or regulation) even though the taking can be reasonably expected to have significant impacts on the specific wildlife covered by this Act, other species of wildlife covered by this Act, or the ecosystems of which the wildlife is a part, if proposals for such actions—

(a) are submitted to the Secretary having primary jurisdiction over the public land on which the taking will occur at least one hundred and twenty days prior to the date such taking is to commence; and

(b) are described by notice in the Federal Register, allowing at least sixty days for public comment; and

(c) will, if carried out, maintain that species at a level consistent with its role in the ecosystem in which taking is to occur, protecting and maintaining the indispensable relationship between predator and prey species and the ecosystem, and be in overall public interest; and

(d) are approved in writing by the Secretary after consideration of public comment and consultation with the President's Council on Environmental Quality and with the Director of the United States Fish and Wildlife Service before any taking is carried out.

SEC. 4. The Secretary shall enforce the provisions of this Act and shall, in consultation with the President's Council on Environmental Quality, promulgate such regulations as he deems necessary and appropriate to carry out the provisions, including enforcement, of this Act: *Provided,* That all mammals or birds shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot, capturing, or harassing of any mammal or bird in violation of this section or of any regulation issued hereunder shall be subject to forfeiture to the United States: *And provided further,* That the Secretary or head of any Federal agency who has issued a lease, license, permit, or other agreement to any person who is convicted of a violation of this Act or of any regulation issued hereunder may immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section.

SEC. 5. Nothing herein shall be construed in any way to amend or otherwise alter the requirements of the National Environmental Policy Act of 1969, the Marine Mammal Protection Act of 1972, or the Endangered Species Act of 1973, as amended.

SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. PREAMBLE

Section 1 of the bill states the intent of the resolution is to establish a national policy for the taking of predatory or scavenging mammals and birds on public lands; set forth findings; and prohibits the taking of predators or scavengers unless pursuant to specified requirements.

SECTION 2. DEFINITIONS

Section 2 of the bill defines the terms used in the Act, including Predators, Scavengers, and Take.

SECTION 3. REQUIREMENTS FOR PERMISSIBLE TAKINGS

Section 3 of the bill sets forth procedures under which the taking of predators or scavengers may be carried out.

SECTION 4. ENFORCEMENT AND REGULATORS

Section 4 calls upon the Secretary of the appropriate Department to promulgate regulations and enforce requirements. Sets forth penalties for violations of the Act.

SECTION 5. RELATION OF THE ACT TO EXISTING LAW

Section 5 of the Act is specified not to amend or alter the National Environmental Policy Act of 1969, the Marine Mammal Protection Act of 1972, or the Endangered Species Act of 1973, as amended.

SECTION 6. AUTHORIZATION

Section 6 provides such sums as may be necessary to carry out the provisions of the Act.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. SYMMS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 83

At the request of Mr. SYMMS, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 83, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 90

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 90, a bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs.

S. 127

At the request of Mr. CRANSTON, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 127, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to amend title 38, United States Code, to improve veterans' compensation, health-care, education, housing, and insurance programs; and for other purposes.

S. 190

At the request of Mr. GRAHAM, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 190, a bill to amend 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

Mr. GRAHAM. Mr. President, on the first day of the session I introduced legislation which would permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such a veteran. Inadvertently, the distinguished Senator from Arizona [Mr. DECONCINI] was not listed as an original sponsor of this legislation. Senator DECONCINI has supported this measure since its original introduction by the late Senator Spark M. Matsunaga. I ask unanimous consent that the Senator's name now be added as a cosponsor to S. 190.

S. 232

At the request of Mr. WARNER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 232, a bill to amend title 38, United States Code, to increase the maximum amount of coverage under servicemen's group life insurance; and to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 250

At the request of Mr. FORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 341

At the request of Mr. JOHNSTON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 341, a bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation and for other purposes.

S. 360

At the request of Mr. BUMPERS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor 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. 413

At the request of Mr. KENNEDY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 413, a bill to authorize supplemental appropriations for fiscal year 1991 for relief, rehabilitation, and reconstruction in Liberia.

S. 420

At the request of Mr. SARBANES, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 420, a bill to increase to $50,000 the maximum grant amount awarded pursuant to section 601 of the Library Services and Construction Act.

S. 448

At the request of Mr. SYMMS, the name of the Senator from Michigan [Mr. LEVIN] 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. 487

At the request of Mr. GLENN, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 487, 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.

S. 488

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 488, 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.

S. 564

At the request of Mr. SYMMS, his name, and the name of the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 564, a bill to direct the Secretary of Defense to undertake the development and testing of systems designed to defend the United States and its armed forces from ballistic missiles.

S. 565

At the request of Mr. WARNER, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 565, a bill to authorize the President to award a gold medal on behalf of the Congress to Gen. Colin L. Powell, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 581

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 583

At the request of Mr. ROTH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 583, a bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, to clarify the treatment of certain Federal financial assistance to savings and loan associations, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from New Jersey [Mr. LAUTENBERG and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the name of the Senator from New Mexico [Mr. BINGAMAN] 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 85

At the request of Mr. KASTEN, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 85, a joint resolution authorizing and requesting the President to appoint Gen. Colin L. Powell and Gen. H. Norman Schwarzkopf, Jr., U.S. Army, to the permanent grade of General of the Army.

SENATE JOINT RESOLUTION 86

At the request of Mr. LEVIN, his name was added as a cosponsor of S.J. Res. 86, a joint resolution designating April 21 through April 27, 1991 and April 19 through April 25, 1992 as "National Organ and Tissue Donor Awareness Week."

SENATE RESOLUTION 71

At the request of Mr. SPECTER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Nebraska [Mr. KERREY], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 71, a resolution to encourage the President of the United States to confer with the sovereign state of Kuwait, countries of the Coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals, including President Saddam Hussein, involved in the planning or execution of crimes against peace, war crimes, and crimes against humanity as defined under international law.

AMENDMENT NO. 27

At the request of Mr. SPECTER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Nebraska [Mr. KERREY], the Senator from Illinois [Mr. DIXON], the Senator from Indiana [Mr. COATS], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of amendment No. 27 proposed to S. 419, an original bill to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means.

SENATE CONCURRENT RESOLUTION 16—URGING ARAB STATES TO RECOGNIZE AND END THE STATE OF BELLIGERENCE WITH ISRAEL

Mr. MACK (for himself, Mr. ROBB, Mr. D'AMATO, and Mr. LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 16

Whereas the state of Israel declared its independence on May 14, 1948;

Whereas the armies of six Arab nations, Egypt, Syria, Jordan, Saudi Arabia, Lebanon, and Iraq, invaded Israel immediately after its declaration of independence with the intention of destroying Israel as a nation;

Whereas Israel has fought additional wars against several Arab nations which have continued to seek its elimination and destruction;

Whereas United Nations Security Council resolutions 242 and 338 have addressed the Arab-Israeli conflict, calling for a just, lasting, and durable peace for all states in the area;

Whereas Israel and Egypt entered into direct negotiations culminating in a peace treaty signed on March 26, 1979;

Whereas all other Arab states continue to maintain a state of belligerency with Israel, refusing to recognize Israel's right to exist;

Whereas Israel suffered some 39 SCUD missile attacks fired by Iraq during the Persian Gulf War;

Whereas the United States was allied with numerous Arab states in the diplomatic and military effort to eject Iraq from Kuwait; and

Whereas the continued state of belligerency between the Arab states and Israel threaten all peoples of the Middle East: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) all Arab nations which have refused to recognize Israel and have maintained a state of belligerency with the state of Israel should recognize Israel, end the economic boycott against Israel, end the state of belligerency with Israel, and enter into direct negotiations with Israel for the purpose of concluding peace treaties and establishing full diplomatic relations; and

(2) the United States should use all available means to influence and encourage the Arab states which were allied with the United States in the Persian Gulf War to achieve the objectives under paragraph (1).

• Mr. MACK. Mr. President, on August 2, 1990, Iraq shocked the world by obliterating by force the sovereign state of Kuwait, a member of the United Nations and of the Arab League. Saddam Hussein swiftly annexed Kuwait and declared it to be the 19th province of Iraq. Suddenly the world was provided with a graphic lesson of what it means when one nation does not recognize another and seeks to end its very existence.

Even as Kuwait's sovereignty and independence is restored, there is one nation in the Middle East that remains in the precarious state of nonrecognition that Kuwait was in—the State of Israel. Israel's existence has not been recognized by any Arab nation, except Egypt, since her founding in 1948.

Israel is the Kuwait of the Arab-Israeli conflict. If you buy a map in Syria, Jordan, Saudi Arabia, or many other Arab countries, Israel won't even be on it. For the Arab nations that remain at war with Israel, this is not a question of borders—like most conflicts between nations—but of existence.

All Israel has ever asked since declaring her independence in 1948 is to exist in peace. But in 1948, 1956, 1967, and 1973 Israel was forced to fight multiple Arab armies to prevent her elimination as a sovereign nation. Only Israel's valiant army prevented her from succumbing to the horrible fate that befell Kuwait.

Only good fortune and American Patriot missiles prevented many more Israeli civilians from dying in the 39 Scud missile attacks by Iraq against Israeli cities during this war.

The Arab-Israeli conflict is in fact a misnomer. There is an Arab war to eliminate Israel, as Kuwait was almost eliminated. And there is an Israeli resistance to being eliminated. So long as Israel is not recognized by the Arab world—except Egypt—Israel cannot resolve the Arab-Israeli conflict short of ceasing to exist.

It is the Arab world that has the ability and the duty to unilaterally end the conflict with Israel by recognizing and ending the state of belligerency with Israel. Once the state of war is ended, the Arab-Israeli conflict becomes a conventional border conflict. As the Camp David accords demonstrated, Israel can be very flexible in resolving a border conflict, once her existence is accepted and recognized.

Ironically, one of the greatest beneficiaries of the Arab States ending their war against Israel's existence would be the Palestinian Arabs. Israel's ability to increase the self-rule and sovereignty of Palestinians on the West Bank and in Gaza is directly related to the threat by Arab States against Israel. Clearly, Israel cannot afford to create a Palestinian state if that state is allied with an Arab world that is at war with Israel. That would be like making peace with the hand of an attacker whose whole body was still rushing at you.

Mr. President, the United States Congress has never gone on record urging that the Arab States at war with Israel end that state of war and the economic boycott associated with it.

Today I join with my colleagues Senators ROBB, D'AMATO, and LAUTENBERG in introducing a concurrent resolution expressing the sense of Congress urging Arab States to recognize, end the state of belligerency, negotiate peace treaties, and open diplomatic relations with, Israel.

Mr. President, the sight of Israeli families in gas masks huddling in their sealed rooms while Scud missiles fell

on their cities horrified every American. It is time that the United States Congress send the strongest message possible to the rest of the Arab world to join Egypt in making peace with Israel. At no time has American influence in the region been greater. Now is the time to say to Syria, Saudi Arabia, Kuwait, and even Jordan that item No. 1 on the agenda with the United States is for them to end the war of destruction against Israel.●

● Mr. LAUTENBERG. Mr. President, today I join in submitting a concurrent resolution calling on the Arab nations to end their state of war with Israel, enter into direct negotiations, and conclude peace treaties with Israel.

In his address to the Congress last night, President Bush talked about closing the gap between Israel and the Arab States. He talked about establishing a lasting peace in the Middle East and I fully agree with his quest. A constructive first step however toward achieving that peace would be for our Arab coalition partners—like Saudi Arabia, Syria, and Kuwait—to enter direct negotiations with Israel, recognize Israel's right to exist, and to start the peace process with that country.

Secretary Baker is departing for the Middle East today on an important mission. He will be visiting countries that owe a tremendous amount of gratitude to the United States for leading the effort to diminish the threat that Saddam Hussein posed for the entire region. As he visits our Arab coalition partners, Secretary Baker will have a historic opportunity to encourage them to talk directly to Israel and work toward establishing peace with Israel. He should not miss this opportunity.

Mr. President, the gulf war has taught the world a valuable lesson about the Middle East. Its a complex region. The Palestinian issue is just one of many that call for a solution. There are conflicts among Arab States. There are conflicts involving the Sunnis, and the Shiites, and the Kurds, and Christians. It's not simple. Achieving peace will not be easy.

But it will be impossible if Arab countries refuse to recognize that Israel's there to stay and it's time to accommodate that reality. If they refuse to set aside their belligerency, peace will never be obtained. The Arab States are the only ones that can change that. They must agree to peace with Israel.

The war to get Saddam Hussein out of Iraq demonstrates beyond doubt to the Arab world that Israel is not a threat to stability in the Middle East. That Israel is not a hostile aggressor. That Israel can be trusted and is totally committed to comply with any agreements she makes.

In his upcoming meetings, Secretary Baker must impress upon our Arab coalition partners the critical need to make peace with Israel. He must make them understand that there can be no regional peace unless Israel is included in any understandings.

Israel was a strong, silent coalition partner in the war to get Saddam Hussein out of Kuwait. In the face of 39 Scud missile attacks fired by Saddam Hussein, Israel demonstrated remarkable restraint. Israel demonstrated that she is a friend who can always be counted upon.

The Arab countries in the Middle East must begin to recognize this too. Now is the time for them to recognize Israel's existence and to end their state of war with Israel. They should follow the path paved by Egypt which has worked well for both countries and conclude peace agreements with Israel which will also work for themselves.

I hope this Senate resolution and Secretary Baker's visit will help move them in that direction. I urge my colleagues to join me in supporting this resolution.●

SENATE RESOLUTION 75—COMMENDING AND THANKING FORMER PRIME MINISTER THATCHER

Mr. MITCHELL (for himself, Mr. DOLE, and Mr. SIMPSON) submitted the following resolution; which was considered and agreed to:

S. RES. 75

Resolved, That the Senate of the United States expresses its deep admiration for the remarkable leadership that former British Prime Minister Margaret Thatcher has provided to her nation and to the cause of freedom in the world; and that the Senate reaffirms the appreciation of all Americans for the friendship she and her nation have shown to the United States during her years of leadership of the British Government.

SENATE RESOLUTION 76—RELATIVE TO AN INTERNATIONAL MILITARY TRIBUNAL TO TRY WAR CRIMES

Mr. SPECTER (for himself and Mr. PACKWOOD) submitted the following resolution; which was ordered held at the desk:

S. RES. 76

Whereas the International Military Tribunal at Nuremberg held the initiation of a war of aggression to be "not only an international crime (but also) the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole";

Whereas on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the charter of the United Nations imposed on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" and to "settle their international disputes by peaceful means";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent state, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas the public testimony of victims and witnesses has indicated that Iraqi officials violated article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population, including women;

Whereas the public testimony of victims and witnesses has indicated that Iraqi officials violated articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering, and extermination in order to obtain information;

Whereas article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas "grave breaches" are defined to include: "willful killing, torture, or inhuman treatment * * *, willfully causing great suffering or serious injury to body or health, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity";

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas on several occasions the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians violative of international law;

Whereas in resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas in resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces of Kuwaiti nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas in resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas the Geneva Convention Relative to the Treatment of Prisoners of War (the Third Geneva or POW Convention) sets forth standards for the treatment of civilians and incapacitated combatants during times of hostilities;

Whereas Iraq is a party to the POW Convention;

Whereas there is evidence and testimony that Iraq violated articles of the POW Convention by its physicial and psychological abuse of military and civilian POWs including members of the international press;

Whereas there is evidence and testimony that Iraq violated articles of the POW Convention by placing POWs in solitary confinement, failing to shelter POWs against air bombardment and denying POWs contact with the outside world;

Whereas in resolution 667, adopted on September 16, 1990, the Security Council expressed "outrage" at Iraq's abduction of several persons from diplomatic premises in violation of the Vienna Conventions on Diplomatic and Consular Relations;

Whereas in violation of the Fourth Geneva Convention, Iraq did fire missiles on Israel

with the intent of making it a party to war with the intent of killing or injuring innocent civilians;

Whereas Iraq has inflicted grave risk to the health and well-being of innocent civilians in the region by its willful setting on fire of Kuwaiti oil wells and its willful spilling of oil into the Persian Gulf, resulting in the mass pollution of air and water;

Whereas for all of the above incidents, it is not a defense that an individual in committing such heinous acts acted under orders of higher government officials (International Military Tribunal (Nuremberg) Judgment and Sentences, 41 A.J.I.L. 172 (1946)) ("That a soldier was ordered to kill or torture in violation of international law of war has never been recognized as defense to such acts of brutality.");

Whereas the Nuremberg tribunal provision which held that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should confer with Kuwait, other member nations of the coalition or the United Nations to establish an International Criminal Court or an International Military Tribunal to try and punish all individuals involved in the planning or execution of the above referenced crimes, including Saddam Hussein.

AMENDMENTS SUBMITTED

RESOLUTION TRUST CORPORATION FUNDING ACT

METZENBAUM AMENDMENT NO. 28

Mr. METZENBAUM proposed an amendment to the bill (S. 419) to amend the Federal Home Loan Bank Act to enable the Resolution Trust Corporation to meet its obligations to depositors and others by the least expensive means, as follows:

At the appropriate place in the bill, add the following new Section:

SEC. . CLARIFICATION OF REVIEW OF PRIOR CASES.

Section 21A of the Federal Home Loan Bank Act is amended by inserting at the end of Section 501(b)(11) the following language:

"The Corporation, in modifying, renegotiating, or restructuring the insolvent institution cases resolved by the Federal Savings and Loan Insurance Corporation between January 1, 1988, and the date of enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall carry out its responsibilities under section 519(a) of Public Law 101-507, and shall, consistent with achieving the greatest overall financial savings to the federal government, pursue all legal means by which the Corporation can reduce both the direct outlays and the tax benefits associated with such cases, including, but not limited to, restructuring to eliminate tax free interest payments and renegotiating to capture a larger portion of the tax benefits for the Corporation."

GARN AMENDMENT NO. 29

Mr. GARN proposed an amendment to the bill S. 419, supra, as follows:

Delete section 5, Incidental Powers, and insert in lieu thereof:

"SEC. 5. INCIDENTAL POWERS.

"(a) RESOLUTION TRUST CORPORATION.—Section 21A(b)(10)(N) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(10)(N) is amended by adding at the end thereof the following: "The Resolution Trust Corporation may indemnify the directors, officers, and employees of the Corporation on such terms as the Corporation deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. For purposes of this section, the terms 'officers' and 'employees' include officers and employees of the Federal Deposit Insurance Corporation or of other agencies who perform services for the Corporation on behalf of the Federal Deposit Insurance Corporation, acting as exclusive manager. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections."

"(b) OVERSIGHT BOARD.—Section 21A(a)(5)(J) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(a)(5)(J)) shall be amended by adding at the end the following: "The Oversight Board, from funds made available to it by the Corporation, may indemnify the members, officers and employees of the Oversight Board on such terms as the Oversight Board deems proper against any liability under any civil suit pursuant to any statute or pursuant to common law with respect to any claim arising out of or resulting from any act or omission by such person within the scope of such person's employment in connection with any transaction entered into involving the disposition of assets (or any interests in any assets or any obligations backed by any assets) by the Corporation. The indemnification authorized by this provision shall be in addition to and not in lieu of any immunities or other protections that may be available to such person under applicable law, and this provision does not affect any such immunities or other protections.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY AND THE SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a joint hearing with the Subcommittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary. The hearing concerns the pricing and promotion of infant formula, including issues related to procurement of infant formula for the Women, Infants, and Children [WIC] Program. The hearing is scheduled for March 14, 1991, at 9:30 a.m. in SD-226.

For further information, please contact Ed Barron of the Agriculture Committee staff at 224-2035, or Kelly Signs of the Antitrust Subcommittee staff at 224-5701.

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, 2 p.m. March 7, 1991, to receive testimony on S. 210, the Comprehensive Uranium Act of 1991, to establish a wholly owned Government corporation to run the Federal Uranium Enrichment Enterprise.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, March 7, beginning at 9:30 a.m., to conduct a hearing on the Environmental Protection Agency's fiscal year 1992 proposed budget.

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, March 7, from 2 p.m.-2:35 p.m. to hold a business meeting.

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics, and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 7, at 9:30 a.m. to hold a hearing on the Foreign Relations Authorization Act for fiscal year 1992 and 1993 and Persian Gulf Conflict Emergency Supplemental Authorization Act, fiscal year 1991.

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

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 7, 1991, at 10 a.m., for a hearing on "National Testing."

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, March 7, 1991, at 9:30 a.m., on the subject: The purchase and use of counterfeit and substandard parts.

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 on Thursday, March 7, 1991, at 2 p.m. to consider the nominations of James A. Courter, to be Chairman of the Defense Base Closure and Realignment Commission; Howard H. (Bo) Callaway and Dr. James C. Smith II to be members of the Defense Base Closure and Realignment Commission.

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, March 7, 1991, at 9 a.m. to receive testimony on NATO security.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, March 7, 1991 at 10 a.m. to conduct a hearing on the GAO's analysis of the administration's financial modernization recommendations.

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

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. March 7, 1991, to receive testimony on S. 341, the National Energy Security Act of 1991, title X pertaining to natural gas regulatory issues; and sections 6003 and 6004 pertaining to natural gas research, development, demonstration and commercialization activities.

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

ADDITIONAL STATEMENTS

WOMEN'S HISTORY MONTH

• Mr. HATCH. Mr. President, recently, legislation proclaiming the month of March 1991 and 1992 as Women's History Month was passed by the Senate. I was pleased to be the sponsor of this bill, Senate Joint Resolution 62, and appreciate the bipartisan support it received.

The commemoration of Women's History Month provides an opportunity for citizens, historians, teachers, and Members of Congress to educate the public about the contributions women have made in various aspects of society throughout history. I believe it is increasingly important to educate our children about the achievements of women, and the significance these contributions have on their own lives. The accomplishments of these women provide numerable role models for the young people of our Nation to emulate. Such achievements are to be honored and recognized during Women's History Month.

The theme for National Women's History Month 1991, "Nurturing Tradition, Fostering Change," honors women at the interactive crossroads between the public and private spheres. Women who, while preserving their traditional roles within the private sphere, have become involved in the public arena to address social and political injustices which affect our quality of life. I believe this theme is most appropriate at this time as servicewomen are making significant contributions to Operation Desert Storm. Mothers, teachers, nurses, and other professional women left their current roles in society to participate in the United States stand against the aggression and brutality of Saddam Hussein. These women, and all others who have made a significant contribution to society, deserve to be recognized for their efforts and achievements.

I was proud to sponsor such outstanding legislation and hope it will be instrumental in informing the public of the many achievements made by women throughout history.•

COMMENDING THE HAWAII COUNTY CIVIL DEFENSE AGENCY ON RECEIVING FEMA'S OUTSTANDING PUBLIC SERVICE AWARD

• Mr. AKAKA. Mr. President, today, the Honorable Lorraine Inouye, Mayor of the County of Hawaii, will accept the Federal Emergency Management Agency's [FEMA] outstanding public service award in behalf of the Hawaii County Civil Defense Agency. This award is given annually to those individuals or organizations outside of the Federal agency who best help further FEMA's mission. I am proud to say that the Hawaii County Civil Defense Agency was the only local civil defense organization to be selected among this year's 12 award recipients.

The small, but excellent staff of the big island's civil defense office, which is responsible for directing and coordinating all disaster and emergency activities on the largest, most geographically diverse island in my State, amply deserves this award. Over the years, in coordination with Federal, State, and local agencies, and in response to every conceivable type of emergency, from earthquakes and fires to Tsunami and hurricanes, the county agency has prevented injury to or death for perhaps thousands of big island residents, and saved countless homes, farms, businesses, and important natural resources from damage or destruction.

Most recently, the Civil Defense Agency directed and coordinated disaster relief efforts for the ongoing Kilauea volcano disaster in the Kalapana region of Hawaii. Last August, when I chaired a Senate Governmental Affairs Committee hearing to investigate how well various relief agencies had responded to the emergency in the wake of the President's May 1990 disaster declaration, I discovered that praise for the Civil Defense Agency, and particularly its administrator, Harry Kim, was universal. While public officials commended Mr. Kim for the effectiveness with which he and his staff of five directed emergency activities, local residents spoke warmly of the long hours Mr. Kim and his employees spent, and continue to spend, in assisting lava victims.

I was also particularly struck by how often these residents spoke of Mr. Kim's attention to the spiritual and psychological needs of the stricken Kalapana community. It was apparent to the committee that Mr. Kim, who himself has roots in the area, was intensely sensitive to the fact that many of the families that were forced to relocate because of the lava flows had lived in the area for hundreds of years, and thus maintained a special attachment to the land. In deference to their needs, Mr. Kim therefore made it a policy to allow those whose homes were in the path of the lava flows to visit their former residences as often and as long as possible without endangering themselves or relief workers, despite the extra burden this placed on the agency. He also did his best to shield them from the intrusions of the media and the general public, who were naturally curious about the awesome spectacle presented by the lava flows.

Mr. President, more than anything else, more than the efficiency of the agency's relief operations, which is studied as a model by civil defense experts from other States and foreign nations, it is this ability to balance the often competing needs of disaster victims against the demands of public safety that truly sets Harry Kim and the Hawaii County Civil Defense Agency apart. For while it is one thing to be efficient, it is quite another to understand the human dimension of tragedy.

If I have only one criticism of Harry Kim and his staff—Bruce Butts, Wen-

dell Hatada, Lanny Nakano, Audrey Kualii, and Dorothy, Yanagisawa—it is that they are not in Washington today to receive this award. I infer from their absence that they are too busy to be away from their jobs. This speaks well of them, though it precludes the rest of us from having the proper opportunity to honor them as heroes. For that is what the men and women of the Hawaii County Civil Defense Agency are, Mr. President, heroes. In behalf of the people of Hawaii, I thank them for a job well done and look to them and Mayor Inouye for continued outstanding performance.•

NATIONAL FOREIGN LANGUAGE WEEK

• Mr. LEAHY. Mr. President, this is National Foreign Language Week, a significant event for all those who promote the benefits of foreign language study.

The theme for National Foreign Language Week this year, "Peace Through Understanding," is particularly appropriate because of expanding Soviet-American relations. Dramatic changes in Eastern Europe have also opened up new opportunities for international understanding.

There is great new potential for the United States to pursue business ventures, educational exchanges, and cultural relations.

But our lack of understanding of foreign languages hinders this potential. We lag far behind other developed countries who often begin foreign language instruction in elementary school.

Many States have expanded language courses in elementary schools and high schools over the last decade, but even today there is no State which requires high school graduates to learn a foreign language.

The Soviet Union has made it a national priority for a majority of its citizens to become proficient in English. According to the American Council of Teachers of Russian, there are far more teachers of English in the Soviet Union than there are students of Russian in the United States.

I am concerned that this disparity will hinder our ability to communicate with the Soviet Government and its citizens.

In Vermont, an institution of higher education is making a real difference in addressing this disparity. Norwich University's Russian School is internationally recognized. Now more than ever, people are turning to the Russian school as opportunities for business ventures and exchanges grow. Students, business executives, military officers, and government officials are all taking advantage of the Russian school's offerings.

The Joint National Committee for Languages issued a statement which underlines my point: "The dramatic changes sweeping the world indicate that those without language skills will soon find themselves at a considerable disadvantage. Communication in multiple languages fosters a sense of humanity and friendship and prepares students for a world in which nations and peoples are increasingly interdependent."

Mr. President, I believe international understanding can best be achieved by expanding the breadth and scope of foreign language instruction and cultural experiences at all levels.•

NATIONAL YOUTH SPORTS PROGRAM

• Mr. PRYOR. Mr. President, I rise today to pay tribute to an organization, the National Youth Sports Program, which has made and continues to make tremendous strides toward helping disadvantaged youth.

The National Youth Sports Program provides over 65,000 economically disadvantaged boys and girls, ages 10 to 16, the chance to participate in a sports instruction program on 150 college campuses all across the country. In addition to providing nutritious meals and free medical exams, the program provides counseling on drug-abuse prevention, higher education and career opportunities, study skills, and health and nutrition.

Every summer, the NYSP brings children from proverty areas onto college campuses and gives them motivation to better their opportunities for the future. It is programs like the NYSP that give children hope and the realization that they can make a difference.

Mr. President, I am particularly pleased to make mention of the NYSP programs in my home State of Arkansas. Three college campuses currently participate in the program—the University of Arkansas at Fayetteville, Philander Smith College in Little Rock, and the University of Arkansas at Pine Bluff. The Arkansas NYSP programs have over 1,300 children enrolled and provide nearly 30,000 free meals a year, as well as raising approximately $2.22 for each federally funded dollar.

The NYSP Program at the University of Arkansas at Fayetteville was recently recognized for its outstanding achievement. The National Collegiate Athletic Association awarded the program the Silvio O. Conte Award of Excellence. Out of 150 programs in the country, the Fayetteville program was one of only three to be selected as exemplary in status. They not only met all Federal guidelines, they surpassed them. The success that the programs in Arkansas have had are a testament to the program nationwide.

We, as legislators, take pride in seeing organizations such as the NYSP succeed, especially when it is in our own back yard.

I want to commend Craig Edmonston of Fayetteville, the State director for the Arkansas NYSP and the project administrator for the Fayetteville chapter of NYSP. The outstanding successes that the Arkansas NYSP programs have enjoyed are no doubt a result of Craig's enthusiastic and charismatic leadership. With Craig's guidance, children from disadvantaged homes and neighborhoods in Arkansas are being shown that there is another world out there—a world of promise, a world of opportunity, and a world of hope.

Mr. President, and colleagues, I am proud to be able to recognize the National Youth Sports Program and the National Youth Sports Programs of Arkansas and the goals they have achieved.•

ANDEAN DRUG REPORT ISSUED

• Mr. CRANSTON. Mr. President, last year I authored an amendment to the Defense authorization bill which required the administration to prepare a report on the effects of involving military forces of the Andean countries in counter-drug-enforcement activities.

A nonclassified portion of the report was recently made available to my office. I subsequently asked both America's Watch and the Washington Office on Latin America, two of Washington's most important human rights organizations, to comment on the report. Dr. Eduardo Gamarra, a drug specialist from Florida International University, was also asked for his comments.

I ask for the report to be reprinted in the RECORD, as well as statements by America's Watch and the Washington Office on Latin America, the Gamarra letter and several other pieces of relevant correspondence and an article which appeared in the Washington Post.

The material follows:

ANDEAN ANTI-DRUG EFFORTS: A REPORT TO THE CONGRESS

This report is submitted by the Departments of Defense and State, in consultation with the Office of National Drug Control Policy, in compliance with Section 1009 of the FY 1991 Defense Authorization Act. As required, the report outlines current United States policies and details anti-narcotics enforcement activities and associated training programs in the Andean region. The report also addresses Congressional findings pertaining to Andean anti-drug efforts.

The report is structured as follows:

I. Background;
II. Roles and Missions;
III. Coordination with Host Governments;
IV. End Use Monitoring;
V. Training;
VI. Conclusion.

Since some of the information requested can not be addressed in an unclassified report, a classified annex is attached.

I. BACKGROUND

The Andean Strategy is a multi-faceted approach to controlling the complex problem of cocaine production and trafficking. The

Strategy is a comprehensive plan to work with the Andean governments to disrupt and destroy the growing, processing and transportation of coca and coca products within the source countries, in order to reduce the supply of cocaine entering the United States. In September 1989, the President's National Drug Control Strategy directed that a five-year $2.2 billion counter-narcotics effort begin in FY 1990 to augment law enforcement, military, and economic programs in Colombia, Bolivia, and Peru. After detailed negotiations between the United States and each of the individual cooperating governments, a regional implementation plan was prepared to ensure the effective use of U.S. assistance.

The Andean Strategy has four major objectives. First, through concerted action and bilateral assistance, it is the Administration's goal to strengthen the political will and institutional capability of the three Andean governments to enable them to attack the cocaine trade. This objective entails a broad range of diplomatic, professional, and training contacts with the host countries in order to bolster the national, institutional, and political will of the host nations to conduct a vigorous counter-narcotics campaign.

Second, the United States will work with the Andean governments to increase the effectiveness of the intelligence law enforcement and military activities against the cocaine trade in the three source countries, particularly by providing mobility for both police and military forces and ensuring they are well-equipped, trained and cooperate in an integrated strategy. It has become clear that the Andean nations can conduct more effective counter-narcotics operations with the involvement of the armed forces; this is especially true where the traffickers and the insurgents have joined forces. Specific strategic objectives include efforts to isolate key coca growing areas, block the shipment of precursor chemicals, identify and destroy existing labs and processing centers, control key air corridors, and reduce net production of coca through eradication programs.

The third goal is to inflict significant damage on the trafficking organizations which operate within the three source countries by working with host governments to dismantle the operations and elements that are of greatest value to the trafficking organizations. By strengthening ties between police and military units and creating major violator task forces to identify key organizations, bilateral law enforcement and military assistance will enable host government forces to target the leaders of the major cocaine trafficking organizations, impede the transfer of drug-generated funds, and seize their assets within the United States and in those foreign nations in which they operate.

The fourth goal is the incorporation of expanded economic assistance beginning in FY 1991 that is directed toward offsetting the negative economic dislocations that will occur as a result of effective counter-narcotics programs. For this reason, the Andean Initiative projects that approximately half of all resources provided during the $2.2 billion five-year plan will consist of economic assistance. This assistance will, in turn, strengthen the political commitment of the three Andean nations to execute effective counter-narcotics programs. U.S. narcotics-related economic assistance is conditioned upon successful counter-narcotics performance, sound economic policies, and respect for human rights. In harmony with the views of the three Andean governments, U.S. direct economic assistance and other initiatives support economic alternatives for those directly involved in the cultivation of and trade in coca. Examples of such assistance include crop substitution and other alternative development activities, drug awareness, administration of justice, balance of payments support and export promotion. The assistance reflects our agreement with the Andean presidents, incorporated in the Declaration of Cartagena, that a comprehensive intensified counter-narcotics strategy must include understandings regarding economic cooperation, alternative development and the encouragement of trade and investment. When the Andean Presidents requested increased trade opportunities for the region's legitimate products, President Bush quickly responded with two ambitious trade packages to create economic alternatives to drug trafficking. In October 1990, the President also announced a hemispheric initiative, the "Enterprise for the Americas Initiative", to help promote long-term economic growth in Latin America. Legislation to enact this initiative was sent to Congress in October 1990.

The Andean Strategy does not seek to impose law enforcement, military or economic assistance on these countries. These programs require bilateral cooperation and mutual agreement. The Administration's intensive dialogue with the Andean nations is redefining the understanding of what is needed and what is possible, for both sides, to carry out a strategy that we believe will achieve a reduction in the supply of cocaine.

Fiscal Year 1990: The Year in Review

After the first year of this five-year strategy, there have been notable achievements in many areas. New, democratically-elected governments in each of the three Andean nations have repeatedly voiced their commitments to the counter-narcotics struggle. Together with the Andean nations, the Administration has worked to use intelligence as a means of focusing U.S. efforts on trafficker organizations and infrastructure, moving away from a prior focus on eradication programs and low-level interdiction efforts. The United States has supported the internal programs of the three nations to improve the operational capabilities of their law enforcement and military forces engaged in the drug war. These programs have resulted in increased pressure on the trafficking organizations. The Administration has involved the U.S. military to provide detection and monitoring in the approaches to the U.S., forcing the traffickers to disrupt their illicit activities. There have been increased seizures, arrests, confiscation of assets, and signs of disarray within many trafficking organizations.

The Administration has helped to improve counter-narcotics cooperation with the police in the Andean countries. We have assisted armed forces of Colombia to assume a more vigorous role, as have elements in the Bolivian Air Force and Navy, which have produced dramatic seizures in recent years. This combined law enforcement and military effort reduces duplication of logistics, maintenance and other key support elements essential for effective counter-narcotics operations.

Furthermore, the Declaration of Cartagena, signed on February 15, 1990 by President Bush and the presidents of Colombia, Bolivia, and Peru, contains a number of general and specific commitments for the four countries party to the agreement. The U.S. has implemented its commitments through a comprehensive international strategy which comprises bilateral and multilateral contacts with producer, consumer and transit countries. These efforts have focused on the need for international and multilateral support for Andean efforts to combat drug trafficking and production.

The intent of this cooperative effort, based on a continuing assessment of the performance of the Andean states, is to carry forward the progress we have made and address identified shortcomings. Knowing that the U.S. must sustain a vigorous progam, the Administration is determined to pursue those efforts that have produced results, reassess those that have not, and seek new approaches that will enhance our chances for success.

Counter-Narcotics versus Counter-Insurgency

The effort of the U.S. to help these countries deal with "narco-insurgents" has raised the specter of counter-insurgency: specifically, whether the U.S. should engage in supporting Andean militaries, some with poor human rights records, in waging a struggle against insurgent groups which are clearly involved in many aspects of narcotics trafficking. We cannot gloss over past abuses in some countries. The U.S. opposes these abuses as a matter of national policy and always will. But, we should not succumb to the notion that organizations like the Sendero Luminoso of Peru or the FARC in Colombia are champions of human rights. These groups are profiting from the narcotics industry, and are continuing their indiscriminate attacks on civilian targets. This insurgent violence, in conjunction with the traffickers, threatens to undermine democratic institutions.

The focus of the U.S. effort is counter-narcotics, not counter-insurgency, but we cannot lose sight of the fact that in Colombia and Peru the insurgents are involved in narcotics and, along with the traffickers, have created a militarized situation. It is a mistake to assume that economic development is possible without provision of a secure environment in which to work. No social or economic approach to the drug dilemma can survive in the environment of intimidation and violence that now prevails in these countries and is the result of individuals and groups who use violence in order to achieve their ends.

Military Assistance and Democracy

Current projected levels of U.S. assistance to the Andean militaries will not undermine the authority and control of civilian governments nor weaken democracy. On the contrary, U.S. assistance will help to strengthen democracy for the following reasons: 1) U.S. security assistance details are developed through military-to-military contacts, but the policy outlines, negotiation and approval is through civilian government authorities; 2) an impoverished, poorly trained, and equipped military, unable to feed its troops, is far more susceptible to corruption and human rights abuses; 3) the military is far more likely to take a constructive approach if actively engaged in the drug war, as opposed to being left to criticize civilian efforts from the sidelines; 4) the involvement of the military, as in the U.S., can bring a significant resource in the war against drugs if properly coordinated and directed by civilian authorities; and 5) democracy cannot survive without the sound economic development which can only exist in a secure environment.

II. ROLES AND MISSIONS

Counter-narcotics operations remain a law enforcement mission with the military operating in support of police forces. The specific role of host country armed and police forces differs according to the ministry they report

to and their mission as defined by their constitution. In the case of Colombia, Peru, and Bolivia, the armed forces are accorded the general role of protecting national sovereignty and geographical borders. Each of these governments has determined that counter-narcotics is primarily an internal law enforcement function.

However, the Andean governments have come to the realization that narcotics trafficking has moved beyond the scope of routine law enforcement, displacing legitimate local and central government control and developing ties with insurgent groups in outlying areas. The United States Government, in cooperation with the Andean governments, believes that the Andean militaries can and do play an essential role in counter-narcotics operations to restore legitimate government control and support law enforcement operations in narcotics trafficking areas.

Although the separation of military and civilian law enforcement functions has been an element in strengthening democracy, the support of the military could be critical in maintaining the stability of Andean democracies against the pressure of narcotics traffickers and insurgents.

The Role of Law Enforcement

Narcotics control in the Andes is a law enforcement mission, despite the complicating factor of narcotics-related insurgencies. Law enforcement agencies in the Andean countries constitute the local security authority with the appropriate arrest and detention mandate necessary to channel narcotics traffickers into the civilian judicial system. Moreover, Andean counter-narcotics law enforcement agencies have a para-military cast, more akin to the U.S. National Guard, than to local law enforcement.

Host nation law enforcement agencies provide counter narcotics coverage at ports of entry, develop and act on intelligence on narcotics trafficking organizations, trace illicit narcotics money flows, precursor chemical routes and continue to interdict and seize narcotics in the air, on the rivers, roads and airstrips.

DEA and other U.S. law enforcement agencies, such as the United States Coast Guard, provide training advisors, and in some cases (such as DEA's Operation Snowcap in Peru and Bolivia) accompany host nation law enforcement units in the field. These agencies assist in developing intelligence, planning, and supporting operations conducted by host nation law enforcement personnel. U.S. upgraded law enforcement interdiction bases have been established in Peru, Bolivia, and Colombia to provide for a continuous law enforcement presence in the field. The U.S. also considers advanced training for law enforcement units as a high priority, and does not consider military involvement to be substitute for these para-military law enforcement units in the field.

The Role of the Military

A great deal has been said about the role of U.S. military support and the involvement of local militaries in support of the President's Andean Strategy. U.S. military assistance is only part of the total effort. Furthermore, the Administration does not contemplate large levels of U.S. military presence in the Andes. The U.S. has not maintained such a presence and the strategy includes, as one of its tenets, the determination not to "Americanize" the effort to work with local governments. To the contrary, the Administration is extending to the Andean countries the capability to help themselves.

While we believe the militaries of the Andean states can play a constructive role in counter-drug efforts, we never have, nor will we, force military assistance on these countries. The Administration has held discussions with the Andean nations on the need for comprehensive efforts to combat the threat. The United States has also conditioned its narcotics-related assistance on host nation performance, as was endorsed by all parties at the Cartagena Summit.

The assistance the U.S. is providing is not of a nature to create large, new para-military forces in the region. We are developing the specialized skills of both police and military units required to conduct or support effective counter-narcotics operations, not creating major combat units. Military assistance provided under the Andean Initiative is designed to support law enforcement activities aimed at combatting the growing threat of narcotics production and trafficking. U.S. policy stipulates that assistance provided for counter-narcotics activities must be used for counter-narcotics purposes and not diverted to other unrelated programs.

It is important to remember the large size of these countries and the remoteness of growing areas and processing centers. Narcotics law enforcement units have neither the resources to cope with the scale of the problem nor are they equipped or trained to address its increasingly paramilitary nature. For these reasons, participation by the host country militaries is a critical element.

This is not a conclusion that the Administration has come to abruptly or one that reflects a desire to become engaged in these areas militarily. It is based on an analysis of the problem and what is now required to deal with it. As the case of existing Bolivian military involvement in counter-narcotics demonstrates, military support can be an effective way to avoid duplicating a parallel military capability within police narcotics enforcement agencies. This strategy reflects our sensitivity to host nation concerns that police and military forces not become too powerful to challenge the government.

The financial resources of the narcotics traffickers, such as those in Colombia, enable them to hire private armies and terrorists on a national and international scale. Their ability to buy manpower and equipment surpasses the police capability and, in some cases, calls into question even the military's ability to respond effectively. These capabilities permit the narco-traffickers to challenge the sovereignty of local governments in a way unprecedented in our experience.

U.S. counter-narcotics policy, therefore, is not an attempt to "militarize" the effort, but rather one that seeks to provide legitimate governments with the tools and assistance to defend their political sovereignty and fight the drug trafficking organizations and their allies who seek to undermine the legitimate civil authority.

III. COORDINATION WITH HOST GOVERNMENTS

The Declaration of Cartagena is predicated on civilian formulation, implementation and control of all counter-narcotics policies and activities in the Andean Region. Based on the principles of the Declaration, counter-narcotics agreements covering interdiction, reduction of narcotics supply, and alternative development are bilateral in nature, requiring the participation of several civilian host government authorities in the development and approval of U.S. funding and supports for counter-narcotics activities.

The three major participants in the implementation of these bilateral agreements are the Ministries of Foreign Affairs, Defense, and Interior. In activities involving training roles for U.S. forces in counter-narcotics activities, these ministries are usually the requesting agencies for this type of assistance. Host civilian governments are, therefore, fully informed and involved in the use of U.S. personnel for specific and limited narcotics and support roles.

The U.S. Ambassador in each country discusses the proposed counter-narcotics assistance program in general terms with the president of each country. The detailed composition of military equipment sent for counter-narcotics activities, whether under FMF, 506(a)(2) or EDA authority, is developed as a joint process between the Embassy and the host country Ministries of Defense and Interior (in cases where the equipment directly affects law enforcement operations). Training initiatives that require U.S. counter-narcotics trainers to instruct at host country military and police bases are discussed thoroughly at the ministerial and at the field command level in order to ensure that political sensitivities, rules of conduct and type of instruction are agreed upon in advance. During the actual training sessions, these contracts are carefully maintained to ensure that all parties are aware of the progress of the training initiative. Planning of strike operations and other activities related to host country field operations often have the planning support of U.S. personnel. However, DoD personnel are not authorized to accompany host nation forces on actual operations or engage in activities where hostilities are imminent. Host country military and law enforcement personnel have the lead in all such activities, and U.S. assistance in the preparation or development of these activities is performed in full coordination with the appropriate ministerial and host nation law enforcement personnel.

For example, the following civilian institutions formulate counter-narcotics policy in their country and request and approve U.S. assistance:

Colombia

Counter-narcotics policy is developed by the Council on Dangerous Drugs. This largely civilian council is comprised of the Ministers of Agriculture, Communications, Health, Justice, National Defense, National Education, the Director of the Department of Administrative Services, the Attorney General, the Chief of Customs, and the Chief of the National Police. Counter-narcotics policy is implemented largely through the Directorate for Anti-Narcotics (DAN), an element of the Colombian National Police (CNP). The CNP, a branch of the Ministry of Defense (MOD), is the principal law enforcement agency for CN matters. The MOD is consulted with and concurs on all counter-narcotics deployments.

Bolivia

The National Council Against Drug Abuse and Illegal Drug Trafficking develops Bolivia's policy guidance. Counter-narcotics programs are directly managed by the Minister of Agriculture (eradication) and the Minister of the Interior (interdiction). The Special Force for the Fight Against Narcotics Trafficking (SFFANT), a multi-agency counter-narcotics task force, is a subordinate agency of the National Council and reports to the council through the Minister of the Interior.

The SFFANT is comprised of elements of the Bolivian Air Force, Navy, and the National Police's Rural Mobile Police Patrol Units (UMOPAR). Either the head of the SFFANT or the Bolivian Minister of Defense approve host country counter-narcotics deployments.

Peru

The DIPOD, the anti-narcotics division of the Peruvian National Police (PNP), is the lead agency for counter-narcotics in Peru. It is supported by an air wing (DIPA). The military has a supporting role; although, past military support has been minimal. The Minister of the Interior concurs on PNP activities, and the MOD concurs on all military matters. President Fujimori is briefed on counter-narcotics related activities by both ministers. President Fujimori is currently creating a new civilian organization that would have control over most counter-narcotics activities in the country.

IV. END USE MONITORING

Funding support and assistance provided by the United States for Andean counter-narcotics programs is obligated through bilateral agreements with the host country that specifies that the assistance will be used for counter-narcotics purposes. End Use Monitoring (EUM) by U.S. personnel of training and equipment provided under the bilateral agreement is also specified and inspection of host country operations is performed when necessary.

The Administration is taking steps to ensure that equipment and training provided for counter-narcotics is being used for the purposes intended. In coordination with the appropriate U.S. embassies, concepts for tracking and monitoring equipment and training provided for counter-narcotics are being developed. The EUM programs will track and monitor equipment, training and funds provided to law enforcement agencies under State INM funds, as well as equipment, training and other material provided to law enforcement and military forces under FMF or drawdown of defense stocks under Section 506(a)(2) of the Foreign Assistance Act of 1961, as amended. Additionally, agreements between the United States and recipient countries include provisions which specify that assistance is being provided for counter-narcotics purposes.

V. TRAINING

U.S. civilian personnel, primarily DEA agents and U.S. private contractors (pilots, mechanics, and field advisors) jointly plan and accompany host nation law enforcement personnel on counter-narcotics operations. DoD personnel, however, do not accompany host nation personnel on actual field operations and limit their involvement to planning, training, and analysis of narcotics operations. DoD has strictly an operational support role. The rules of engagement for DoD personnel in the field restrict them from engaging in any operational counter-narcotics missions in the Andes. These rules are based on the principles of self-defense, necessity, and proportionality. Regarding the potential for corruption of U.S. forces, MTT trainers are governed by the same standards of professional conduct that apply to all DoD personnel, regardless of assignment, and they are expected to abide by those standards.

The impact of U.S. military assistance and training has had a salutary impact on the Andean militaries and police forces, since U.S. military trainers emphasize to host country counterparts the importance of respecting internationally recognized conduct for human rights. These countries have previously received military training from sources other than the U.S., and considerable effort is required to modify practices acquired as a result of the prior training. U.S. military personnel stress that beyond being good policy, U.S. law (Sec. 502B of the Foreign Assistance Act of 1961, as amended) contains a provision for termination of security assistance for gross human rights violations.

Special Forces MTTs are required to teach respect for human rights. The instruction is presented in both formal classroom lectures/discussions and in practical hands-on instruction. The percentage of human rights training presented is dependent upon the total number of tasks/hours within a given program of instruction. Instruction covers such items as the Geneva Convention, what constitutes a violation and examples of human rights violations. Hands-on instruction covers such items as the importance of sanitation, hygiene, trauma and preventive medicine for both the students and the local populace; responsibilities of leaders to the local populace, chain of command and violation reporting responsibilities; fire discipline, selective targeting, handling of prisoners, disposition of those killed in action, and collateral damage; medical treatment of civilians, evacuation of wounded and protection of outlaying communities. Students are taught the constructive benefits from positive civic actions, such as providing medical treatment to civilians and simple repairs to buildings.

VI. CONCLUSION

We have made progress in countering the narcotics traffickers, but there remains much to be done. Although there have been fluctuations in both the price and purity levels of cocaine during the past year, overall, prices for cocaine on the street are up, purity is down, and the price of coca leaf at the farmgate is depressed. In 1990, record seizures were made abroad. For example, in Colombia alone, a total of 51 metric tons of cocaine base/HCL and 300 cocaine laboratories were confiscated.

The Administration has embarked on a new, multi-year, coordinated program and has sought to engage other governments in an unprecedented level of activity. Despite some disappointments, we must not lose sight of the gains made in building cooperation and in preparing for future actions. The Administration has moved forward, but we can only achieve success by working cooperatively here at home and with our allies overseas. The United States must continue its commitment and sustain its resolve.

"REPORT TO THE CONGRESS": A CRITIQUE BY THE WASHINGTON OFFICE ON LATIN AMERICA MARCH 4, 1991

Section 1009 of the FY 1991 Defense Authorization Act requires the administration to issue a report to the Congress regarding the impact of U.S. antinarcotics policy on democratic institutions in the Andean region. That report, recently issued jointly by the Departments of Defense and State as a "Report to Congress," contains significant weaknesses.

The report (the unclassified portion) recognizes that strengthening democratic institutions and promoting human rights are important U.S interests. The Washington Office on Latin America shares the concerns for strengthening democratic institutions expressed by the Congress in Section 1009 and by the report itself. We are encouraged that the report recognizes that Andean leaders are concerned about the potential challenge to civilian rule posed by military and security forces in the context of anti-drug programs.

However, the policies reflected in the report could seriously undermine U.S. efforts to promote human rights, democratic institutions and peace in the Andes as well as to curb cocaine consumption in this country. Based on the points below, the Washington Office on Latin America (WOLA) urges the Congress to:

(a) cut military assistance to Colombia and Peru until conditions on human rights performance and civilian control of Andean militaries can be legitimately met;

(b) require further assurances from the administration, including better end use monitoring, that counternarcotics funds and assistance will not be used in counterinsurgency activities.

1. The report fails to mention the crucial alliances maintained by drug trafficking organizations with paramilitary groups in Colombia and with the police and militaries of Peru, Bolivia, and Colombia.

While the report details the alliance in Colombia between certain insurgent groups and drug trafficking organizations, it completely omits reference to the most important Colombian allies of drug traffickers—paramilitary organizations that have largely been armed and organized by drug traffickers. Many of these paramilitary squads, which international human rights groups say account for the bulk of political violence in Colombia, operate in conjunction with the armed forces of that country.

Furthermore, the report fails to mention the extensive ties between drug traffickers and police and military officials of Peru and Bolivia. In PERU's Upper Huallaga Valley, the military receives payments for permitting aircraft to land and load coca products in areas under their responsibility. The Peruvian armed forces impede police access to drug producing areas, and certain elements have fired on U.S.-owned anti-drug aircraft.

In BOLIVIA, corruption is rampant among anti-drug police and within the military. Last week, the recently appointed chief of the country's anti-drug police resigned after the U.S. protested his appointment due to evidence that he collaborated with cocaine traffickers when he was chief of military intelligence.

2. While the report describes human rights violations by non-governmental groups and acknowledges past human rights abuses by Andean governmental forces, it omits reference to present serious violations of human rights by government forces in all three Andean Initiative countries. This omission converges with the historical tendency of successive U.S. administrations to deflect attention away from human rights violations by recipients of U.S. assistance.

The gross violations of human rights by Andean governmental forces, especially in Colombia and Peru, are well documented in recent reports by non-governmental organizations such as WOLA, Americas Watch, and Amnesty International, as well as the U.S. State Department's recent Country Reports on Human Rights Practices for 1990.

3. Although the report commendably describes the efforts taken by U.S. military trainers to incorporate human rights into training curriculum, there is no evidence that those efforts are any different from those utilized in the past decade in places like El Salvador. Throughout Latin America, U.S. military training, even with human rights training components, has not prevented military institutions from engaging in systematic violations of human rights sanctioned at the highest command levels.

4. The activities described in the report for strengthening the political will of Andean governmental institutions (listed as a main objective of the administration's Andean Strategy) are patently insufficient to ensure

commitment to counternarcotics activities. As a result, U.S. security assistance, training, and equipment given to Andean militaries seem likely to be used for the highest priority of those institutions: in Colombia and Peru, counterinsurgency campaigns characterized by gross violations of human rights.

The only activity described in the report for strengthening Andean governments' political will is the provision of economic assistance. However, the history of AID's Office of Public Safety and of security assistance in El Salvador have shown that it is much more difficult to shape institutional will than it is to enhance military or law enforcement capabilities. Indeed, the administration has yet to detail program activities which can reasonably be expected to shape Andean political will regarding counternarcotics. As a result;

Colombia's Army Chief of Staff, according to a House Government Operations Committee report, stated that $38.5 million of the $40.3 million counternarcotics military aid package for FY1990 would be used for counterinsurgency in a region not known for drug trafficking.

Peru has yet to accede to U.S. attempts to get the armed forces involved in counternarcotics, and Peruvian army commanders have continued to stress the primacy of counterinsurgency over police counternarcotics efforts.

Bolivia's army announced that it would use anti-drug aid for environmental activities.

5. The report fails to specify any steps aimed at strengthening Andean civilian institutions in the face of increasing military involvement in the counternarcotics mission. The Colombian police remain under the authority of the Ministry of Defense, and President Alberto Fujimori of Peru recently appointed an active-duty military officer to head the Ministry of the Interior, which oversees anti-drug police forces. In Bolivia, a military regime heavily involved in the cocaine industry only recently left power, and the recently-resigned head of the antinarcotics police was an Army colonel.

The report justifies the introduction of the military into law enforcement functions as necessary to defend democracy from drug traffickers and insurgents. However, the report fails to mention any steps which will be taken to strengthen civilian authorities in the face of the expanded prerogatives of Andean militaries. By justifying the blurring of the line between military functions and law enforcement functions, current policy may well endanger civilian control in regimes that, in Bolivia and Peru, were only recently turned over to civilian rule by the military.

6. The report blurs the distinction between counterinsurgency activities and the counternarcotics mission, preparing the groundwork for the deepening of present U.S. support for counterinsurgency operations in Colombia and Peru. Congress has repeatedly stressed its concern about the separation of counternarcotics and counterinsurgency activities, of which a central means of accountability is end use monitoring. The report states that the administration is taking steps to improve end use monitoring. However, if the administration blurs the distinction between counternarcotics and counterinsurgency and they become two parts of the same effort, then Congress loses the ability to ensure that counternarcotics aid does not go to counterinsurgency activities. U.S. support for counterinsurgency is particularly alarming because of its potential effects on human rights and the strength of democracy in the Andes, and on the level and dangers of U.S. involvement.

Current U.S. antinarcotics strategy endangers democracy in the Andean region, rather than strenthening it as the report claims. Based on the information in the report, the Washington Office on Latin America is concerned that administration anti-drug policy is aggravating government human rights abuses and weakening the control exercised over the military by fragile civilian governments. The report gives no indication that the administration is capable of creating the political will necessary to ensure that counternarcotics assistance is not used to undermine stated U.S. interests in human rights and democratization. Furthermore, the policies outlined in the report could well intensify official drug-related corruption, especially within Andean militaries.

[From the Human Rights Watch]

COMMENTS ON ANDEAN ANTI-DRUG EFFORTS: A REPORT TO THE CONGRESS

We have several criticisms of this report.

In the Background section, four major objectives are stated for the Andean Strategy. These objectives seem to have changed since 1989 when one of the three major objectives was to "strengthen respect for internationally recognized human rights and the rule of law in efforts to control illicit narcotics production and trafficking." Do the authors of the report think that the widespread human rights abuses in the recipient countries are no longer a serious problem?

The section on Counter-Narcotics vs. Counter-Insurgency does nothing to clarify the Bush administration's position on military assistance that may be used for counter-insurgency, rather than counternarcotics, purposes. Since the law stipulates that this aid should be used only for counternarcotics purposes, the authors of the report should be asked to re-write this section and clarify their position on U.S. involvement in counter-insurgency efforts in the Andean countries. The vague descriptions by the Administration continued during a briefing on March 4, when Assistant Secretary of State for International Narcotics Matters Melvyn Levitsky stated that, regarding military assistance to Colombia, "Every penny of it is for counter narcotics purposes." Yet he went on to admit that the U.S. is unable or unwilling to control how the recipient countries will use the aid.

This report reiterates the Bush administration's charge that insurgency groups and narco-traffickers are one and the same, or work together closely. While Sendero and the FARC are known to tax growers and processors in their areas of control, there is more confrontation between insurgency groups and narco-traffickers than collaboration. Americas Watch is concerned that the administration is presenting these two distinct problems as one big problem so that the U.S. will be forced to accede to the wishes of the Andean military forces—that is, to fight the insurgencies. Unfortunately, by fighting the insurgencies, the U.S. will be sponsoring these militaries in carrying out their "dirty wars" against suspected subversives.

The report states that U.S. aid to Andean militaries has raised questions about whether the U.S. military aid is being used to fight insurgencies in addition to narcotraffickers, or as the report states, "whether the U.S. should engage in supporting Andean militaries, some with poor human rights records, in waging a struggle against insurgent groups which are clearly involved in many aspects of narcotics trafficking." A better question would have been a shorter one—i.e., whether the U.S. should engage in supporting Andean militaries, some with poor human rights records. The International Narcotics Control Act of 1990, and Sec. 502B of the Foreign Assistance Act state plainly that human rights violators should not receive military aid from the U.S., regardless of the purposes of the aid.

The report goes on to state that "The U.S. opposes these abuses as a matter of national policy and always will." If it is our national policy to oppose human rights abuses, why do we continue to fund these militaries, A suspension or termination of military aid to these human rights violators would appear to be the most obvious way to convey our concern and opposition to these practices.

The authors of the report should be aware that human rights monitoring groups and Members of Congress who are concerned about human rights violations by the Colombian military and police do not believe "that organizations like the Sendero Lumimoso of Peru or the FARC of Colombia are champions of human rights." Human rights groups like Americas Watch have been quick to criticize abuses by both the militaries and the insurgencies in these two countries. Nonetheless, the U.S. is not arming and assisting the Sendero Luminoso or the FARC so the human rights conditions for aid recipient countries do not apply. Since we are assisting the militaries and police of Peru and Colombia, the U.S. government has an obligation to make sure that human rights conditions in the International Narcotics Control Act of 1990 and other applicable laws are met.

The report states that "[T]he impact of U.S. military assistance and training has had a salutary impact on the Andean militaries and police forces, since U.S. military trainers emphasize to host country counterparts the importance of respecting internationally recognized conduct for human rights." This sentence does not really say anything at all. Later in the paragraph the report's author seems to blame human rights violations on bad training by "sources other than the U.S." To whom is the report referring?

FLORIDA INTERNATIONAL UNIVERSITY,
Miami, FL, March 4, 1991.

Senator ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: I would like to take this opportunity to thank you for sharing with me the recent report submitted to Congress on the Andean Anti-Drug Efforts. Let me take this opportunity to thank you for also sharing with me your previous concerns about current efforts to militarize the anti-narcotics campaign in Bolivia. I would like to congratulate you for authoring Section 1009 of the Defense Authorization Act and for insisting to the administration that more caution be exercised prior to the ordering of the Andean armed forces into the drug war.

After a careful reading of the administration's report to Congress, it is apparent to me that few of the twelve points you raised in your letter of November 22 to Secretary of State Baker have been addressed in any detail. The report repeats many of the same broad and general themes delivered publicly by Mr. Melvin Levitsky of the Office of International Narcotics Matters. I would urge you to compare this report with Mr. Levitsky's statement June 20, 1990 statement

before the House of Representatives' Subcommittee on Western Hemisphere Affairs.

If the objective of Section 1009 was to mandate a broad and general descriptive outline of current United States policies, then this report meets the requirement. I believe, however, that it falls short of detailing the range and scope of anti-narcotics activities and related training programs, which is the wording found in Section 1009. In short, the brief listing of the activities of United States and Andean agencies has done little to clarify my understanding of current United States policy toward the three targeted Andean nations.

In my opinion the report does little to distinguish between military and civilian law enforcement efforts. If my interpretation of the policy is correct, then it appears that the objective is to combine both forces to carry out the war on narcotics traffickers. Moreover, it is apparent that the police is also destined to become the subordinate player in what is becoming increasingly a counter-insurgency strategy. The thrust of the policy, measured by the amount of assistance earmarked for the Bolivian military, is to strengthen the armed forces without serious consideration being given to the long-range impact their strengthening may have on Bolivia's incipient democracy.

My impression is that United States policy continues to be formulated with little consultation with civilian leaders in Bolivia. As you are aware, Bolivia is a democratic nation with an elected Congress; yet, beyond consultation with a few members of the ruling parties no members of the opposition have had any say in the acceptance of U.S. government policies.

In fact, the policy adopted by the current government, as outlined by the administration's report, has sparked controversy and has eroded public confidence in democratic procedures. The most outstanding example was the insistence on the part of the Paz Zamora government of keeping Annex III from the Bolivian public and opposition parties even though it was not considered a secret document. Furthermore, the current mood surrounding the formulation of anti-narcotics policy in Bolivia has been intolerant of opposing or dissident voices. Opposition to current policies, especially the ordering of the military into the Chapare, has been labelled as cooperation with narcotics traffickers. It is my opinion that this attitude has been encouraged by the United States mission in La Paz. This attitude has hindered any opposition efforts to develop a coherent and viable alternative policy to the one now being implemented. Moreover, while public support for Bolivian democracy is high, these attitudes and policies have undermined public support for the current government.

Let me conclude by noting the shortcomings of the reports conclusion. The conclusion is vague and does not adequately assess whether the policies described have been effective in achieving the objectives outlined in the first pages. As a result, the report reveals little about each specific national case. In the Bolivian case, for example, it is still unclear what agencies are performing which functions where, how, and why.

I would be delighted to expand my comments about the report in the future. Again, I thank you and your staff for your assistance so far and for listening to my input about the Bolivian case.

Respectfully,

EDUARDO A. GAMARRA, Ph.D.,
Assistant Professor.

U.S. SENATE,
Washington, DC, November 22, 1990.

Hon. JAMES BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR JIM: As you know, in the last Congress I authored what became "Section 1009. Andean Drug Efforts," of the Defense Authorization legislation for FY91.

This section specifies that—no later than 90 days after being signed into law on November 5—your office, together with that of the Secretary of Defense and in consultation with the Director of the Office of National Drug Control Policy, must submit to Congress a report detailing current United States policies with respect to the Andean countries and associated training programs of the United States in such countries in particular.

This report requirement, which was supported by both the majority and the minority in Congress, specifies further that included in it should be an analysis of the impact that the involvement of the military forces of the Andean countries in counter-drug enforcement activities has a democratic institutions of those countries. It also must report on how civilian institutions of those countries might be strengthened in order to assure the successful pursuit of a counter-drug strategy.

In fulfilling the requisites of this report, I would like to draw your attention to two of the most important findings on this issue made by Congress in Section 1009.

First, that the separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States.

Second, that there is a need to determine whether the current policies of the United States unduly emphasize military assistance to Andean countries rather than aid to civilian law enforcement entities in carrying out anti-drug efforts in those countries., And as a corollary to this, whether such policies might tend to undermine the dual long-term U.S. policy goals of stopping the traffic of drugs at their source and the preservation of civilian control over the newly-established democracies of the Andean countries.

In order to help establish a general framework by which the report can fully and adequately meet the requirements set down by law, I respectfully suggest that the following questions should be answered:

1. To what degree are host country civilian leaders consulted in the formulation and implementation of antinarcotics activities involving U.S. anti-narcotics forces? In particular, which host country civilians are consulted in

a) determining the composition of military equipment sent for antinarcotics activities, such as emergency stocks "drawn down" by the administration?

b) placing U.S. anti-narcotics personnel in training mission bases in Colombia, Peru and Bolivia?

c) assigning the areas in which training missions take place?

d) planning of operations and targeting of sites in interdiction and eradication activities in any phase of which U.S. personnel are involved?

2. How many host country personnel have been trained under the antinarcotics program by Department of Defense personnel in Colombia, Peru and Bolivia? How many have been trained by U.S. law enforcement agencies? Please break down by year since the training began; by agency/service branch of trainee, and by country. Please estimate the number of trainees expected in FY 1991–FY 1994, i.e., the remainder of the Andean initiative.

3. How many mobile training teams have operated in each of the three countries, by year, since 1986? How many are projected each year, through 1994? What is the purpose of their training?

4. How does the role of host country militaries differ from that of police forces in regard to narcotics enforcement? What efforts are being made to help host countries where the military is involved in anti-narcotics efforts make a transition to civilian law enforcement, given the fact that—as noted by Congress—the separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world?

5. What is the impact of U.S. military training and U.S. military assistance on the propensity of host country governments to investigate and prosecute violations of human rights by government forces? To what degree have officers of host country security forces, widely accused of human rights violations in Peru and Colombia, been punished for their crimes by competent government authorities?

6. What changes in size or structure of host country forces (military or security forces or police) have U.S. military assistance prompted or encouraged, or might it prompt or encourage? What are the specific changes that have been prompted or encouraged by military advisers in Colombia? In Peru? In Bolivia?

7. In what ways are host country police forces unable to address specific changes that have been prompted by narcotics production and trafficking in each country?

8. What kinds and amounts of police and military assistance are being offered to the governments of Peru, Colombia and Bolivia by third countries to help fight narcotics production and trafficking? In what ways does the U.S. government coordinate its efforts with the efforts of these other countries?

9. To what degree are human rights incorporated in training programs and curriculum of the Special Forces in the Andes? Please give specifics: time spent on the issue relative to total training time, content of human rights education, and training of Department of Defense personnel in human rights preparation for training activities?

10. To what degree do U.S. personnel collaborate with host country forces in the planning and execution of antinarcotics operations? What are the specific "rules of engagement" that govern Department of Defense activity in the planning and execution of such operations? What activities are U.S. personnel specifically prohibited from engaging in?

11. What guarantees does the Department of State require to ensure that U.S. material is used to further U.S. antinarcotics goals, as distinguished from host country counterinsurgency goals? What is the Department of State's assessment of the relationship between antinarcotics and counterinsurgency activities as carried out by the militaries in Peru and Colombia?

12. Given the danger of corruption among military personnel involved in narcotics enforcement, what measures will be taken by the Department of Defense to ensure that corruption does not occur among U.S. personnel?

I realize these twelve categories are rather extensive, but so to is our ever-deepening

commitment to the anti-drug fight in the Andean region. I would hope that the report can be reproduced and distributed on a nonclassified basis; however, if that is not possible, that particular information should be included in a classified annex.

I look forward to reading your report and also look forward to the continuing dialogue and debate I am sure it will generate.

With best wishes,

Sincerely,

ALAN CRANSTON.

U.S. SENATE,
Washington, DC, December 18, 1990.

Hon. JAMES BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR JIM: From my perspective on the Senate Foreign Relations Committee, I have become very concerned about the impact on democratic institutions of involving military forces of the Andean countries in counter-drug enforcement activities.

Last month, I wrote to you concerning the report requirement on this subject contained in "Section 1009. Andean Drug Efforts," of the Defense Authorization legislation for FY91. I look forward to reading the report which is required under this law to be submitted in early February—90 days after the date of enactment.

In the meantime, I would like to share with you some of my concerns about what U.S. encouragement of military involvement in the drug war has meant in one country—Bolivia.

Early this month, Martin Edwin Andersen, my legislative assistant for defense and foreign policy, traveled to Bolivia as part of a Congressional staff delegation sponsored by the Bolivian-American Chamber of Commerce. While the group looked into other issues, such as alternative economic development and cultural survival questions, they focused on the strategy and implementation of U.S.-Bolivian anti-narcotics efforts.

Consultation with a broad spectrum of Bolivian political leaders, policymakers, law enforcement officials, peasant leaders and heads of non-governmental organizations resulted in a disturbing critique of the direction of part of current anti-narcotics efforts. Of special concern was the nearly unanimously held idea that the U.S. was putting great pressure on the Bolivian government to involve its army in anti-narcotics activity.

There appear to be two main reasons given by U.S. policymakers as to why the Bolivian army should become involved.

First, future anti-narcotics efforts will require large infusions of personnel, and the army has manpower to spare.

And second, the army is jealous of the fact that the navy and the air force, which are already involved in logistical support functions, are receiving U.S. financial and material support. This rivalry also reportedly exists with the police, particularly since members of the UMOPAR—the elite anti-narcotics unit—are receiving light infantry and commando training at U.S. military institutions. Thus, the reasoning runs, it is important to involve the army so as not to upset the delicate inter-service relationship that is the bedrock of healthy civil-military relations.

I am advised that the eventual involvement of the Bolivian army would not include patrolling in the Chapare, the tropical zone where coca is grown. Instead, the military units would be used in special operations against targets such as landing fields and labs; joint operations where significantly enhanced capabilities are needed; in occupying populations centers, and in controlling precursor chemicals.

Enthusiasm for involving the army is, I believe, greatly misplaced. Given the fragile social, economic and political balance in Bolivia today, I am afraid it could easily lead to a disaster, ensuring neither the effective control of narcotics trafficking nor the permanence of democratic institutions and practices.

Let me share my reason for these fears.

First, as you know, barely a decade ago the Bolivian army overthrew a civilian government and installed the vicious narco-terrorist regime of Gen. Garcia Meza and Col. Arce Gomez. The trauma of that experience on military professionals in Bolivia is only now being put to rest. Yet not a few fear that, by putting the army into an essentially law enforcement role, the proximity alone to the drug business is an open invitation to becoming submerged once again in corruption and illegality.

It is also worth pointing out that the role foreseen for the army is significantly different than that being carried out by the air force and the navy which, in the case of the first is limited to logistics, and in the second, mostly riverine patrols. While the two branches are, to some extent, being given internal security rather than national defense missions, their role is nonetheless primarily one of support. This would not be the case if the army intervenes.

Secondly, the use of the military in law enforcement is likely to lead to a corruption of both the army's national defense functions and the public safety role of the Bolivian police. Plans to use the army in anti-narcotics campaigns include their fulfilling "civic action" or nation-building tasks. As you know, for nearly two decades, beginning with the now-famous 1970 RAND Corporation study, it has been shown that involving the Latin military in nation-building efforts tends to politicize them and make them compete with civilian authorities for scarce public funds. And lest anyone forget, the best Latin military pupil of our civic action programs was Panama's Manuel Noriega.

Even worse is the potential impact on Bolivian law enforcement of involvement by the army. As you know, the separation of military and civilian law enforcement functions has historically been a critical element in democracies around the world, including the United States. Part of the gains in newly-emerging democracies such as Argentina, for example, has been the restoring of top law enforcement posts to police officers, rather than their being occupied by military men, as was the case in many dictatorships. Returning the top police posts to law enforcement officers has served to stimulate greater professionalism among officers who can now aspire to occupy the top ranks of their own profession. It also gives credibility to efforts by those at the top who seek to reform and modernize their own institutions.

As a result of a Bolivian law—reportedly passed after U.S. pressure—which calls for joint military-police and anti-drug efforts, the head of UMOPAR must be, and is, a retired military officer. Middle-ranking UMOPAR officers the staff delegation met said that this is a source of great professional worry. Not only are police professionals precluded from reaching the top of their own institution, a cause of demoralization; they also say their own chief does not know how to communicate with them—"talk cop," so to speak. According to one officer, this problem was particularly noticeable at an international police conference where, after the Bolivian delegation made an initial presentation, it was largely disregarded by other police professionals because of its heavy military coloration.

The involvement of the army would only exacerbate the problem. If and when the army is involved in anti-drug efforts, a joint command will be set up of the four services—the army, the air force, the navy and the police. In other words, in what is essentially a law enforcement problem, the majority of those at the table will be military officers.

What will happen once 1,000 army troops—just five percent of the total in that service—are given better weapons, boots, uniforms and food as a result of their participation in the anti-drug fight—while many thousands more are kept out of the action? Has anyone calculated the impact on intra-service relations such inequalities would create?

Finally, there seems to be a dangerous element of wishful thinking in the attitudes of some U.S. officials, who appear to believe that opposition to army involvement is driven either by people on the payroll of the drug traffickers or people who have Marxist-Leninist ideologies. I have no doubt both play a role in stirring up the pot. But the opposition to army involvement heard by the staff delegation was broad-based and deep. And their objections seem eminently reasonable given recent Bolivian history.

Bolivia has only recently returned to civilian rule. Present U.S. policy is reinforcing attitudes that the military can better maintain public order than civilian institutions, which may in fact undermine the very democratic institutions the U.S. government should be supporting. Furthermore, popular opposition to army involvement in antinarcotics activities is generating significant unrest in the Chapare and may be the spark that ignites widespread, violent social protest, further threatening the stability of the Bolivian government.

I can't help but think that the way this "war" is being undertaken is in many ways an extension of the national security doctrine used to fight leftist insurgencies in the 1960s and 1970s. Now, as then, the military is being pushed into taking a leading role in what is essentially an internal security problem. The quantity of laboratories taken down and the number of small-time traffickers arrested have replaced "body counts" as the measure of success. However, the most rapid solutions to this problem are not necessarily the best nor most enduring ones. Support for democracy is essential in the fight against international narcotics trafficking. There are no quick fixes.

I hope that the issues I am raising are to be included in the report mandated by the defense authorization language. Specifically, I hope it will address the issue of why the Administration believes that a dollar spent on training army troops is better spent than one whose expenditure is meant to make Bolivia's police more professional. But beyond that, I hope this letter will serve to spark continuing dialogue on this important subject.

Perhaps now is the time Congress and the Administration can reexamine prohibitions on international police training, with a view towards promoting community-based policing that has respect for human rights as a cornerstone. Perhaps the Administration will want to suggest a specific initiative designed to help modernize the Bolivian military, while keeping its focus on national defense rather than internal security.

Surely these issues need further study and debate before we make decisions, or ask others to make them, which might lead down roads I know you do not want us to travel. I'm willing to do my part.

Sincerely,

ALAN CRANSTON.

U.S. DEPARTMENT OF STATE,
Washington, DC, February 1, 1991.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRANSTON: Thank you for your letter to Secretary Baker on December 18, regarding involvement of Andean military forces in counter-narcotics activities.

I would like to reassure you that we are not forcing military assistance on any of the Andean governments nor, by implication, is the President's strategy seeking to militarize the drug effort. Assistant Secretary Melvyn Levitsky from our International Narcotics Matters Bureau and representatives from the Office of National Drug Control Policy have briefed members of Congress and testified on this point and Assistant Secretary Levitsky is prepared to discuss the elements of the President's strategy with you in greater detail.

The central features of the international component of our Andean counter-narcotics strategy are to strengthen host country resolve to address the drug issue, develop the capabilities to enforce that resolve, and to dismantle the major drug trafficking organizations. We realized early on that none of these would be easy.

It is clear that many law enforcement and local institutions are inadequate to meet the challenge of a more vigorous and effective counter-narcotics effort. Judicial, financial, legal, and military institutions have been ill-prepared and in some cases unwilling to respond to the type of challenge to the whole fabric of social and political life that could result from trafficking activities. Our strategy seeks to strengthen these institutions in order to provide substance to a meaningful counter-narcotics program. This effort did not focus on military support as the sole means in our approach, but as an element to strengthen and complement law enforcement.

We recognized that any realistic counter-narcotics effort that addressed the problem, and that did not just throw words and money at it, needed to be a comprehensive one. We are aware, however, of the historical dilemma associated with trying to engage local militaries in support of civilian government. That is why we have put great stress on human rights, subordination of the military to civilian rule, and efforts to strengthen civilian law enforcement institutions.

In the last several years, we have seen a wave of democracy sweep the world, including Latin America, in no small way as a result of just such U.S. attention and support. We also recognize that if that democratization is to succeed it must continue to receive our support, particularly where it is threatened by the subversion and corruption inherent in the drug threat. We share your concern that fragile political, social, and economic institutions in Bolivia and elsewhere be given a chance to grow strong. We, too, want to guard against steps that will militarize our counter-narcotics effort or create further imbalances in institutional development.

We understand that involvement of local militaries is not a panacea for the drug problem. We, too, are troubled by the corruption issue, whether in the military or elsewhere; but a military left out of the drug war is not immune to corruption or insulated from the influences of trafficking organizations.

Unfortunately, local police forces are not able, alone, to protect the national sovereignty of countries with large territories and a wide variety of difficult and inaccessable terrain peopled by well-armed groups involved directly or indirectly in drug trafficking. The Presidents of the Andean states, in their meeting at Cartagena with President Bush, agreed to the concept of the need for a suitable role for the military. We appreciate, and Cartagena endorsed the idea, that the militaries have resources to provide support to police forces in dealing with this type of problem. We believe that a commitment by the military to engage in such support can, if properly conducted, improve cooperation and coordination, and strengthen ties, rather than reinforce isolation, separatism, and rivalry.

While it is our policy not to force military assistance on anyone, by the same token, we do not intend to provide counter-narcotics assistance to militaries when it is not used for counter-narcotics purposes. Further, since all of our assistance in major drug countries is linked, by policy and law, to a country's overall performance, we do expect, as part of the comprehensive program that we know is essential to success, that cooperation will include appropriate military involvement.

It is important to note that our assistance is also linked to respect for human rights, civilian rule, and democratic principle. Nevertheless, it is essential that we remember that in some countries the traffickers and their allies are doing violence to these very principles, and are creating an environment of threat and intimidation that is hostile to social and political stability and contributes to the erosion of civil order.

Violence abroad and at home is the hallmark of drugs and drug trafficking. We cannot ignore this in our efforts to deal with the problem. We must work in tandem with our friends and allies not only to secure the rights and privileges of democracy but to protect them from direct attack and from subversion.

We welcome your concern for the need to continue examining our efforts, and we hope to continue a dialogue on an issue of such importance. We also welcome your interest in reexamining prohibitions on international police training.

We are also concerned with the issues you raised in your earlier letter and we are presently preparing detailed responses to these issues in the report required by Section 1009 of the Defense Authorization Act.

In the meantime, if you so desire, Assistant Secretary Levitsky would be most happy to discuss with you the concerns you have raised. If you would like a personal briefing, please have your staff contact me to arrange an appointment.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

[From the Washington Post, Feb. 24, 1991]

MEANWHILE, WHAT ABOUT THE DRUG WAR?

(By Douglas Farah)

BOGOTA, COLOMBIA.—Officials here say they realized how far down the list of U.S. priorities the drug war had fallen when two portable radar units, used to track small, cocaine-running airplanes here, were abruptly dismantled and sent to the Persian Gulf.

"They say they will be brought back after the war, but it shows how attitudes have shifted," said one Colombian official monitoring the drug war. "Last year the radars were a big deal, a key to our interdiction efforts, but now we are seen as expendable. It's hard to believe they couldn't find other radars."

A year after President Bush stood with the leaders of Bolivia, Peru and Colombia in Cartagena and promised the war on cocaine would be his top long-term priority, the feeling that the United States has abandoned the drug war is growing in the Andes. Especially embittering is the perception that when, as in the Persian Gulf war, the United States is truly serious about achieving its goals, it is both ready and able to provide its allies with the resources needed. The contrast with the drug war is striking.

The war is not being won. Today the Cartagena agreements, hailed as a major victory in the drug war, are hampered by rising cocaine production, by unkept promises, by unease over the growing role of the military and by conflicting goals between the United States and the South Americans and among the South American nations.

While Andean leaders understand the gulf war will remain at the top of the agenda for some time, many are angered that in the past year, agreements with the United States regarding free trade have not been passed but gulf allies find their needs met instantly.

"Less than 20 Israelis were killed by the Scud missiles, and yet they will probably get another $13 billion in U.S. aid," said one Colombian close to President Cesar Gaviria. Egypt gets $7 billion in debt forgiven. We lose a thousand people here, and can't get $200 million in trade concessions."

In part to help get the drug war back on the national agenda, Bush invited Gaviria to the United States this week for an official visit, in which trade concessions and agreements on judicial cooperation will be discussed. The trip is interpreted here as a reward for Colombia for maintaining a high-profile counter-narcotics policy, in contrast to the other Andean nations.

The frustration among Andean leaders is compounded because the principal goal of the agreements—to reduce cocaine production—has failed. U.S., European and Latin American experts agree that in the year since the agreements were signed, Andean cocaine production increased, by some estimates, up to a third.

The DEA estimates that cocaine production in South America rose from about 361 metric tons in 1988 to 695 metric tons in 1989 and to about 900 metric tons in 1990. While Colombian production was disrupted by the crackdown begun in mid-1989 and the pressure there continues to be greater than in other countries, production has jumped in neighboring countries less equipped and less willing to confront the traffickers.

Agreements to limit the export of automatic weapons from the United States, to open U.S. markets to Andean products and to cooperate on controlling money-laundering all languish unsigned. The Andean nations insist that, instead of economic aid, they need access to world markets. Despite promises in Cartagena, the agreements on free trade have not yet been approved.

In contrast, the European Economic Community is praised because, while giving little monetary aid, in November it opened its markets to most Andean goods. For four years the goods will not be taxed, and there is no limit on the quantity.

"If Europeans can do that, despite opposition from Dutch flower growers and other powerful groups, and do it quickly, there is no excuse for the U.S. foot-dragging," said one Colombian official.

This does not mean things are unchanged. The cocaine barons, armed with their fortunes and firm believers in supply and demand, have decentralized their operations, diversified their markets and watched profits grow.

Shipments to the United States have stabilized as demand appears to have peaked. But Europe is a booming market, and shipments grew to an estimated 200 metric tons last year, Japan is just beginning to open up, and in Latin American, Brazilian consumers are reportedly now a major target.

Because of the Colombian crackdown, the traditional cartels have moved refining and shipping operations to Bolivia, Ecuador, Peru, Brazil, and Venezuela, where controls are fewer and police untrained in dealing with the threat.

While attention has focused on the Medellin cocaine cartel and Pablo Escobar, a new breed of white-collar trafficker—content to make money quietly without challenging the state—has risen to the top of many of the operations in Colombia and elsewhere.

In addition to the Cali cartel, which set the example in Colombia, international authorities estimate there are at least six loose-knit Colombian groups, whose leaders are largely unidentified by police, that are growing while the Medellin cartel declines.

Other countries have developed their own, separate organizations. Bolivia, until last year largely a coca leaf and paste producer, now produces about 100 metric tons of cocaine, with operations that bypass Colombia completely, according to U.S. narcotics experts. Ecuador and Venezuela have developed similar, smaller operations, according to Interpol.

The failure to stem the flow of cocaine can be traced in part to the conflicting political agendas in each country.

For Bolivia and Peru, the Bush administrations push for greater military involvement in fighting trafficking caused serious political problems.

While the United States views cocaine trafficking as a law enforcement issue, in Bolivia it is viewed primarily as a social and economic phenomenon. So while the United States conditioned aid on military—especially army—participation in fighting traffickers, Bolivians want economic development to be put first.

Eduardo Gamarra, a Bolivian political scientist who teaches at Florida International University, warns the Bush administration's approach of militarizing the conflict could turn Bolivia, relatively untouched by political violence, into "another Peru or Colombia." This could happen if supporters of radical peasant unions are driven into armed conflict with the state.

To obtain U.S. aid, Gamarra said, President Jaime Paz Zamora has been forced to push the military into the conflict—while publicly denying the aciton to maintain political support.

In Peru, where the vicious Shining Path insurgency protects coca growers, former president Alan Garcia signed the Cartagena agreements. But President Alberto Fujimori in September announced he would not accept $36 million in U.S. military aid because it would commit Peru to an emphasis on repression rather than economic development.

In Colombia, considered the key to success in the Andean drug war, former president Virgilio Barco and the United States shared a common goal—the military defeat of the traffickers, who were openly bidding to coerce the state into concessions through assassinations and terrorist attacks. Extradition was a main tool in that war and the Medellin cartel the main target.

The overriding goal was to defeat terrorism, with reducing production only secondary, an emphasis demonstrated by the efforts made against the Medellin cartel while leaders of the Cali cartel still live almost openly.

So while the terrorist threat to the state has lessened, cocaine production under the leadership of the Cali cartel is about 80 percent of its mid-1989 levels, according to DEA and Interpol estimates.

President Gaviria, who took office in August, felt the political cost of maintaining the all-out war was too high and tried to end narco-terrorism by offering traffickers a deal. Those that turned themselves in would not be extradited and would receive reduced sentences.

Under the policy, three top leaders of the Medellin cartel—brothers Fabio, Jorge Luis and Juan David Ochoa—have turned themselves in, providing a political victory for Gaviria. But law enforcement officials say it is not yet clear how much of an impact the surrenders will have on production because none of the three turned over laboratories or other production facilities.

Two judicial events outside Latin America helped convince the Andean region that the rest of the world was simply not willing to pay the cost they demanded South Americans pay.

The first was the widely publicized trial of Marion Barry, who escaped heavy punishment for the use of crack cocaine. True, Barry was convicted on only one count of cocaine use and has never been accused of selling drugs, much less involvement in organized international trade, but the visibility of his position made him a natural target for resentment. The second was the light sentence given in Israel to Yair Klein, a retired Israeli officer Colombia accuses of training hit men for the Medellin cartel in the use of explosives and strategy, greatly enhancing their terrorist capability. Klein was given a one-year suspended sentence and fined $75,000 for his actions.

Foreign Minister Luis Fernando Jaramillo expressed the bitterness of many in the Andean region over the drug war when he said after the Kelin verdict: "We are seeing how the judicial systems of other countries are quite tolerant of actions which flagrantly violate international law and even the laws of those countries . . . . It is once again disappointing to see how justice operates in the rest of the world."•

WORLD MEDICAL ASSOCIATION

• Mr. SYMMS. Mr. President, last fall the World Medical Association convened the 42d World Medical Assembly in Ranco Mirage, CA.

The World Medical Association, a prestigious group whose members comprise over 40 National Medical Associations representing millions of physicians from around the world, was organized shortly after the end of World War II. This organization has, throughout its history, been in the forefront of matters affecting physician responsibility.

One of the issues addressed by the World Medical Association at Rancho Mirage was the question of therapeutic substitution of prescription drugs. Therapeutic substitution is the practice of a pharmacist substituting a totally different chemical for the medicine prescribed by an individual's physician. The World Medical Association strongly opposes that practice and reaffirmed the responsibility of the physician for diagnosing a patient's condition and for developing a treatment plan.

I ask that a copy of the World Medical Association resolution on therapeutic substitution, adopted by the 42d World Medical Assembly, be included in the RECORD at this point.

The resolution follows:

WORLD MEDICAL ASSOCIATION RESOLUTION ON THERAPEUTIC SUBSTITUTION

Whereas Therapeutic Substitution is one form of drug substitution. Therapeutic substitution occurs when a phramacist substitutes a chemically different drug for the drug that the physician actually prescribed. The drug substituted by the pharmacist belongs to the same pharmacologic class and or to the same therapeutic class. However since the two drugs have different chemical structures, potentially adverse outcomes for the patient can occur.

Whereas generic substitution is entirely different from therapeutic substitution. In general substitution, a generic drug is substituted for a brand name drug. However, both drugs have the same active chemical ingredient, same dosage strength, and same dosage form.

Whereas the prescription of a drug represents the culmination of a careful deliberative process between physician and patient aimed at the prevention, amelioration or cure of a disease or problem. This deliberative process requires that the physician evaluate a variety of scientific and psychological data including costs and make an individualized choice of therapy for the patient.

Whereas physicians have the responsibility for diagnosing the patient's condition and for the development of a treatment plan, including the prescribing of appropriate drugs and medications.

Be it resolved that the World Medical Association supports:

1. Individualization of therapy for patients based on a complete clinical database compiled from a comprehensive history, current physical findings, all relevant laboratory data, and psychosocial factors.

2. Maintaining the prescription authority of the physician so that the patient will receive organized, effective care.

3. Requiring the pharmacist to dispense the exact chemical, dose, and dosage form prescribed by the physician.

Be it further resolved that the World Medical Association opposes:

1. The concept of therapeutic substitution because it results in prescribing based on incomplete information and, thus may be harmful to patient welfare.

2. Any governmental law or regulation that permits therapeutic substitution.•

KURDS, TURKS, AND CYPRIOTS: A NEW WORLD ORDER FOR WHOM?

• Mr. CRANSTON. Mr. President, for those of us who opposed Saddam Hussein both before his August 2 invasion of Kuwait and after, the plight of Iraq's 3 million Kurds has been of special interest.

Few peoples in modern history have received such systematic mistreatment and neglect. In the mid-1970's Henry Kissinger's State Department and the Shah of Iran cut a deal that effectively turned our backs on our former Kurdish allies, paving the way for their bloody suppression.

In recent years, tens of thousands of Kurds have been imprisoned, tortured and murdered by Saddam and his brutal forces. Half a million have been expelled from their ancestral mountain homelands in Kurdistan.

In this morning's Washington Post, former foreign service officer, David A. Korn, wrote a compelling account of the plight of these people. The title of his article was "Don't Ignore Iraq's Kurds—It's Wrong, and It's Short-sighted Policy."

That such an article needed to be written at all is particularly disquieting. Yet, according to Korn:

> When Kurdish leader Jalal Talabani visited Washington recently, no official of the State Department or the White House would receive him. The administration would not even talk with Talabani about human rights; the assistant secretary for human rights wouldn't see him. Other Kurdish representatives sit in Washington anxiously waiting to learn whether they can get a hearing even at a junior level in the State Department.

In Korn's view, an opinion I share, the administration's standoffishness has a lot to do with our relationship with Turkey, which has waged its own campaign of repression against its Kurdish population. As Korn states:

> The Turkish Government would be deeply apprehensive if the United States were to be seen to be doing anything to help Iraq's Kurds gain the kind of autonomy that it denies its own Kurdish citizens.

Mr. President, no one denies Turkey's importance as a member of NATO; or its contribution during the recent gulf war.

However, I question just how close a relationship we should have given the Turkish Government's well-documented record of human rights abuse. And as even greater proof of the folly of this course, I would draw attention to the continued occupation by Turkey of part of Cyprus.

Victory in the Persian Gulf was an important triumph for international law. Yet, just as the United Nations spoke with one voice against Iraqi aggression against Kuwait, so too has the Security Council issued many resolutions calling on the Turks to withdraw from Cyprus.

The world awaits the time Turkish troops leave the island, and Cyprus' sovereignty, independence, and territorial integrity are respected.

Mr. President, I call on the administration to stay the course in establishing the international rule of law. I urge that it give the Kurds a fair shake, while telling Turkey the world awaits a just solution for Cyprus.

Mr. President, I ask for the Washington Post article to be reprinted in the RECORD, as well as a recent speech given by Senate Foreign Relations Committee staffer Peter Galbraith on the plight of the Kurds.

The material follows:

REMARKS BY PETER GALBRAITH

To day the world focuses on Saddam Hussein's latest victim, the people of Kuwait. The Kurds, however, were his first and longest suffering victim. Sadly, much of what the kurds endured occurred in places inaccessible for political and geographic reasons to the world media. I had a brief window on some of what has happened to the 3 million people of Iraqi Kurdistan and this is the focus of my remarks today.

In connection with Senate Foreign Relations Committee assessments of the Iran-Iraq war, I twice had occasion to visit Iraqi Kurdistan, in 1984 and 1987. Between those visits I was able to witness the sharp deterioration in the treatment of the Kurdish population by the Iraqi government.

In 1988 the plight of the Iraqi Kurds burst onto the international consciousness, first with the graphic reports of a poison gas attack on the Kurdish city of Halabja and then with the massive outflow of refugees from northern Iraq in September, bringing with them tales of a broad chemical weapons offensive by the Iraqi army.

In connection with legislation that Senator Pell introduced to sanction Iraq for this use of chemical weapons against the Kurds, the Senate Foreign Relations Committee asked me to lead a mission to report on and document the use of chemical weapons.

First, to restate the principal conclusions of our fact-finding mission, we found overwhelming evidence that Iraq did use chemical weapons on Kurdish civilians in northern Iraq in a major offensive that began August 25, 1988. The offensive was intended to break the Kurdish insurgency and accomplished that objective.

These chemical weapons attacks were part of the Iraqi military policy intended to depopulate large parts of Iraqi Kurdistan. Elements of the policy include: (1) the destruction of Villages and towns throughout Kurdistan: (2) the relocation of the Kurdish population into concentrated new settlements where military control can be exercised; (3) the deportation of Kurds to areas outside of Kurdistan; and (4) the use of terror tactics, including lethal poison gas to drive civilians out of the areas to be depopulated.

The policy has been carried out with great brutality and with a cynical disregard for world opinion and international law. Our fact-finding mission documented chemical weapons attacks on 49 villages; we believe the actual total to be much higher. The chemical weapons attacks were followed by military operations in which many survivors who chose to remain in Iraq (or could not reach Turkish sanctuary) were massacred. Drawing on interviews, we estimated that the total cumulative civilian casualties from the chemical weapons attacks and the follow-on military operations were in the thousands. However, our information comes from only that part of Iraq where Kurds had access to refuge in Turkey. If the same kinds of military operations took place deeper in Iraqi Kurdistan as took place in the border areas, the Kurdish death toll could have been in the tens or hundreds of thousands.

We do not know the total casualties. We do not know with any degree of certainty what has happened in Iraqi Kurdistan since 1988. Iraqi soldiers sealed the border with Turkey at the beginning of September 1988, a deadly silence has descended on Iraqi Kurdistan.

In the last week of August and the first week of September, 1988, some 65 thousand people came unexpectedly across the Iraq-Turkey border. Although they came from many different villages spread over a very mountainous terrain, they described essentially the same pattern of attacks. Let me say a word about what these attacks were like.

Beginning around dawn on August 25, Iraqi warplanes and helicopters dropped bombs containing chemical weapons on villages in the Dihok, Zakho and Amadiyah regions of Iraq. The aircraft would drop four to eight bombs each. The bombs, often described as green cannisters, created a weak sound as they detonated, and then a cloud spread out from the center of the explosion. The cloud was alternatively described as white or yellowish. The air then filled with the smell of bad garlic, rotten onions, bad apples, or rotten parsley.

Those exposed to the gas dropped dead instantly or very quickly. The bodies, according to some, appeared frozen and, in some cases, turned blue or black. Living or dying was often determined by where one was standing and or on the direction of the wind. On one occasion I heard from a mother whose children had perished 20 yards away while she emerged physically unscathed.

According to the survivors, livestock died and birds fell out of the sky. Later, troops wearing protective clothes entered the villages. In some places, such as the village of Baze, Iraqi forces opened fire with machine guns on the survivors and then bulldozed the bodies into mass graves.

This general description is a synthesis of hundreds of interviews conducted by my team with survivors in all the principal camps and gathering areas. The interviews took place within two weeks of the events described and included all sorts of people: Kurdish insurgents (the Pesh Merga), civilian men, women, and children. We had no trouble finding witnesses; indeed, I would estimate that one-half to three-fourths of the refugee population were eye-witnesses to the events I described.

Under our system of law, eye-witness accounts are usually considered the best evidence. However, there was also physical evidence of the attacks. A team of American doctors examined wounded survivors and found symptoms consistent with the use of chemical weapons. A British television crew, led by Gwynne Roberts whose film we will see later, entered Iraq and unearthed bomb fragments containing traces of mustard gas. When on September 8, 1988, Secretary Shultz denounced Iraq's use of chemical weapons he did so, according to the press, on the basis of technical information available to him.

Indeed, while the issue of an appropriate response to Iraq's chemical weapons attack was hotly contested between the Senate which favored tough sanctions and the Reagan Administration which favored no action at all, there was never any disagreement about the facts of Iraq's use of chemical weapons.

Let me make two further points about Iraq's use of poison gas against its Kurdish minority. First, these attacks began August 25, 1988—that is to say five days after a ceasefire went into effect in the Iran-Iraq war. Second, the targets of the attacks were not the Kurdish insurgents. The insurgents were located in bases in the mountains in the northern part of Iraq. It is a treeless and barren terrain and presumably the insurgent camps were visible from the air. However, the Iraqi regime chose to attack the villages in the valleys. Thus, the victims were overwhelmingly women, children, and non-combatant men.

Iraq's chemical weapons attacks were gratuitous. The Kurdish insurgency could have been supressed without the use of chemical weapons and without massacring innocent civilians. Instead Iraq chose to punish a population it saw as disloyal by the most brutal and most inhumane means possible.

Poison gas was only one part of Iraq's Kurdish policy. During my September 1987 trip, on the road from Baghdad to Jalawla to Darbandikhan to Sulamanyeh to Kirkuk, I counted more than forty Kurdish villages that had been destroyed recently. This part of Kurdistan presented an eerie landscape where utility poles, graveyards, and abandoned orchards were the main reminders of recent human habitation.

These villages were not in remote areas. They were on the principal roads of Iraqi Kurdistan. As such, there was no military rationale for the destruction of the villages. Rather, it was another example of a punitive policy aimed at innocent civilians.

Kurdish leaders have documented 3,897 villages that have been destroyed along with thousands of schools and hundreds of ancient churches and mosques. The population has been relocated to the handful of surviving cities, to new townships that are in effect concentration camps under the supervision of the Iraqi military, and in some cases, to new settlements in the southern desert, far from mountainous Kurdistan. It is impossible for me to estimate the death toll of such a policy, but one can reasonably conclude it must be high. The depopulation program was certainly cruel and destructive of an ancient and rich culture.

Finally, I would note that the Kurds have been particularly victims of the kinds of human rights abuses that have afflicted all Iraqis. This includes summary execution, torture, detention without trial, and denial of basic freedoms. A particular Iraqi innovation is the torture and murder of children as a means of punishing or pressuring their parents. Amnesty International has documented cases where parents have been obliged to pay money for the return of the mutilated corpses of their young children.

In the case of the Kurds, Iraq quite literally got away with murder. By and large, the world community has reacted to the destruction of Iraqi Kurdistan, and even to the use of poison gas against innocent civilians, with silence. As many of you know, in 1988, immediately after receiving the reports of the massive chemical weapons attacks on the Kurds, Senators Pell and Helms introduced legislation to impose comprehensive financial and economic sanctions against Iraq. That legislation, "The Prevention of Genocide Act of 1988" passed the Senate one day after its introduction, a speed of action almost unprecedented for this body. Sadly, however, "The Prevention of Genocide Act" did not become law. It was opposed by every special interest that did, or wanted to do, business with Iraq. It was vehemently opposed by the Reagan Administration, and failed due to parliamentary maneuvering on the final day of the 100th Congress.

"The Prevention of Genocide Act" was the only attempt any place in the world to respond concretely to Iraq's appalling violation of Kurdish human rights and of international law. Few other countries went even as far as the United States, which through Secretary Shultz at least condemned the poison gas attacks.

When Saddam Hussein invaded Kuwait, he clearly believed the world would not respond in a forceful manner. Perhaps our failure to act when he gassed his own people contributed to that belief.

As Kuwait's independence is restored, I hope we will not forget Saddam Hussein's first and longest suffering victims, the Kurds. It is improbable that Kurdish rights can be accommodated within an Iraq headed by authoritarian regimes. Kurdish cultural survival, and indeed the physical survival of the Kurds, depends on enduring arrangements for Kurdish autonomy. Autonomy was guaranteed to the Kurds by the instruments that ended World War I and by the League of Nations when it terminated the mandate over Iraq. The world community, however, was neither willing nor able to enforce those guarantees. Perhaps in the context of the broader post-war settlement more binding international arrangements can be found to protect the Kurdish minority in Iraq.

More fundamentally, Kurdish rights are best protected in an Iraq that respects the human and political rights of all its citizens. The usually fragmented Iraqi opposition including the major Kurdish parties has come together with the outlines of a democratic political program in a post-Saddam Iraq. I believe this initiative is promising. I certainly believe the United States and its coalition partners should do what we can to encourage a democratic alternative in Iraq. Such an alternative provides the best hope for the Kurds.

I grew up in the aftermath of the holocaust and as we learned about these terrible events, I remember well the resolution of my generation: never again. By this we meant that such evil events should never again go unnoticed and unopposed.

No one can encounter a tragedy of the magnitude of that which occurred in September of 1988 and remain unmoved. I have many images of the five days I spent along the Iraq-Turkey border: in a high mountain valley a women seated atop a small bundle constituting all her possessions waiting for a very uncertain future; donkeys with gaily woven saddlebags wandering aimlessly after being abandoned by their refugee owners; and old man crying as he told of the deaths of his children and grandchildren. These are images that will remain with me as long as I live. And I hope that we will never again let such suffering go unnoticed and unopposed.

[From the Washington Post, Mar. 7, 1991]

DON'T IGNORE IRAQ'S KURDS—IT'S WRONG, AND IT'S SHORTSIGHTED POLICY

(By David A. Korn)

While it basks in the afterglow of victory, the Bush administration is on the verge of committing a great injustice and—worse still, some will say—making a great political mistake. In its plans for the new order for the Middle East, it is deliberately ignoring Iraq's 3 million or so Kurds.

The administration wants to bring down Saddam Hussein and see Iraq under democratic rule, but it doesn't want to deal with Iraq's Kurds, the element of that country's population that has suffered the most from Saddam's dictatorship. The horrors inflicted by the Iraqi Baath regime on the Kurds far surpass those to which Kuwaitis were subjected. Saddam gassed Iraq's Kurds not only in March 1988 in the town of Halaabja where some 5,000 died but in many other instances in 1987 and 1988. Over the years he has imprisoned, tortured and murdered them by the tens of thousands, and he has expelled half a million of them from their ancestral homelands in the mountains of Iraqi Kurdistan and forcibly resettled them in "new towns" in the lowlands that bear an eerie resemblance to concentration camps.

Yet when Kurdish leader Jalal Talabani visited Washington recently, no official of the State Department or the White House would receive him. The administration would not even talk with Talabani about human rights; the assistant secretary for human rights wouldn't see him. Other Kurdish representatives sit in Washington anxiously waiting to learn whether they can get a hearing even at a junior level in the State Department.

Ever since the British artificially pieced together a state called Iraq in the aftermath of World War I, the Kurds have been protesting their arbitrary inclusion in it. They rose in revolt against the Baghdad government in the 1920s, the 1930s and the 1940s, and again in the 1960s, the 1970s and the 1980s. The cycle of Kurdish revolt and Iraqi Arab repression has been a major source of instability in Iraq. The failure of earlier Iraqi regimes to reach a settlement with the Kurds was one of the things that opened the way for the Baath takeover in Baghdad in 1968.

Today Iraq's Kurds recognize that independence for their people is beyond their reach. They no longer aspire to break away from Baghdad and from their own state. They will settle for autonomy, but it must be genuine autonomy, not the Potemkin village variety staged by Saddam in Iraqi Kurdistan.

Today Iraq's Kurds are elated over Kuwait's liberation and Saddam's defeat but deeply worried that the United States and its coalition partners will leave them at the mercy of dictatorial regimes that will continue to persecute them. The Kurds themselves have paid dearly for the liberation of Kuwait. Tens of thousands of Kurdish young men were forcibly conscripted and sent to the Kuwait front to serve as cannon fodder for Saddam Hussein's generals. Many eagerly surrendered at the first opportunity, but many also died under allied bombing of military installations that the Iraqis deliberately placed in or near major Kurdish cities, or camps where Kurds were forcibly resettled.

After all that they have suffered at the hands of Saddam and of the coalition, Iraq's Kurds have a right to have their views heard. The reason the administration is so reluctant to do so is because Turkey, a NATO partner and a key player in the blockade of Iraq and indirectly in the war against it, has a large Kurdish population that it has perennially sought to repress. The Turkish government would be deeply apprehensive if the United States were to be seen to be doing anything to help Iraq's Kurds gain the kind of autonomy that it denies its own Kurdish citizens.

But ignoring Iraq's Kurds is a shortsighted policy, whether on the part of the Turkish government or of the Bush administration. If there is to be any real hope for peace in that part of the Middle East, Washington is going

to have to talk with Iraq's Kurdish leaders. It is going to have to try to find ways to redress Kurdish grievances against the Baghdad government and structure a genuine autonomy for Kurds in Iraq.

An Iraq that continues to be wracked by Kurdish resentment and revolt will never be a stable, democratic Iraq. It will forever be a breeding ground for more dictators, more upheaval and ultimately for more war.●

CLARIFICATION OF THE TAX TREATMENT IN THE FEDERAL HOME LOAN BANK BOARD'S 1988 AND 1989 SAVINGS AND LOAN DEALS

● Mrs. KASSEBAUM. Mr. President, I rise to cosponsor S. 583 clarifying the tax treatment of the 1988 and 1989 savings and loan deals. I am pleased the Department of the Treasury yesterday announced it would deny the highly unusual tax deduction being claimed as part of the now-defunct Federal Home Loan Bank Board's 1988 and 1989 savings and loan deals. Investors in these deals are deducting losses—even though the loss is fully compensated by the Federal Government.

For example, if the investor's savings and loan disposes of an asset originally valued at $100 for $70, it receives a $30 compensation check from the Federal Government. Despite the Government's compensation, the S&Ls are nevertheless claiming a $30 loss as a deduction against the investor's outside income. In short, for the same loss, the investors' S&Ls are getting both a compensation check and claiming a deduction.

There is no statutory authority or Internal Revenue Service ruling permitting this sweetheart arrangement. These claims are based on a nonbinding IRS technical advice memorandum drafted 2 years prior to the deals.

In the lack of a clear statutory authority, the general course of action is to seek a private-letter ruling. It is my understanding no such rulings were sought by the investors.

The investors in the 1988 and 1989 S&L deals are among the Nation's most sophisticated financiers. They, no doubt, knew the risk of claiming such an unusual deduction without either clear statutory authority or a private-letter ruling. As the Department of the Treasury stated, "The American people should not bear the burden of exculpating those taxpayers from this risk."

Prior to the Treasury announcement, Congressman FRANK GUARINI introduced legislation on this matter. Although I am confident the Treasury can resolve this matter through the normal audit and collection process, I believe the magnitude of these deductions is such that Senator ROTH'S bill is most appropriate if for no other reason than to reaffirm our congressional support for the Treasury's decision to pursue this matter. ●

SUMMIT ON VIOLENT CRIME

● Mr. DECONCINI. Mr. President, this week, Attorney General Thornburgh conducted a summit on violent crime. I applaud this important step wholeheartedly and welcome the initiatives of the President and the Attorney.

The war on drugs is a real shooting war in many of our communities. All such wars, with vital American interests at stake, deserve the full bipartisan support of all Members of this body. The Attorney General has proposed the establishment of violent crime task forces and increased penalties for the use of firearms in crime.

It is our good fortune that leading up to this summit, Congress has acted to put in place most of the resources and tools which will be required to carry out the strategies that are being developed.

Since 1984, the Congress has enacted a series of laws which give no mercy to the armed career criminal and the armed drug trafficker. We have put in place sentencing guidelines which ensure equitable and stern treatment of convicted offenders. We have doubled the basic penalty for Federal firearm violations.

We have strengthened the primary Federal law enforcement agency charged with pursuing the violent criminal and his supply of munitions, namely, the Bureau of Alcohol, Tobacco and Firearms. In fiscal year 1990, we directed the Bureau of Alcohol, Tobacco and Firearms to establish eight Project Achilles task forces in high-crime cities around the country. In fiscal year 1991, we added funding for an additional eight task forces. ATF participates in 105 violent criminal and gang task forces around the country.

In fiscal year 1990, as chairman of the Appropriations Treasury, Postal Service and General Government Subcommittee, this Senator provided funding for Project Achilles which takes the laws we have created for mandatory sentences, and applies them to the recidivist, the armed drug trafficker and the gang member. ATF aims to make its weapons the Achilles heel by which these criminals are brought down.

To date, ATF investigations under this program have led to the conviction of 1,619 individuals. In addition, these individuals have received mandatory sentences totalling 15,445 years, not including 9 life sentences.

Phoenix is one of the ATF task force cities where I have observed ATF working hand-in-hand with the local police to capture the gang members who are holding neighbors hostage to their criminal behavior. For these people, the revolving door has jammed. Their criminal careers are over.

AFT has spearheaded joint efforts to attack the emerging criminal gangs which spawn so many of these offenders and which promote so much of the violence that this summit seeks to address. They have had a continuing program, since the 1970's, to track the outlaw motorcycle gangs which control methamphetamine distribution. They have been designated the lead Federal agency in attacking the Jamaican posses, and they have been in the forefront of efforts to stem the spread of the Crips and the Bloods street gangs.

Just this past weekend, four ATF undercover agents and their partner, a Volusia County, FL deputy sheriff, surfaced from their penetration of the Warlocks motorcycle gang. Twenty-two Federal and twenty-three State warrants have been or are being served as a result of this probe.

I know that AFT's efforts are a major focus of the crime summit. Its efforts are also the basis of antigang legislation that I was proud to introduce earlier this year. That legislation entitled, the "Outlaw Street and Motorcycle Gang Control Act of 1991," has the active support of the Fraternal Order of Police, the largest organization representing rank and file law enforcement officers in the world.

I earnestly hope that the violent crime summit will recognize, as has this Congress, the wisdom of building on success.

I also hope, Mr. President, that heartfelt concerns about the weapons these criminals have obtained does not cause us to overlook a basic truth. Armed criminals must be rooted out. There is no magic wand that will cause their stockpiles to disappear. That hard, dangerous business is a first, not a last priority. Fortunately, it is a priority with support across the spectrum and one which we can all agree to continue to vigorously pursue.●

ABORTIONS IN GERMANY: WHAT MIGHT HAPPEN IF ROE VERSUS WADE IS OVERTURNED

● Mr. CRANSTON. Mr. President, an article appeared in this morning's edition of the Washington Post which describes the humiliation and harassment that women living in West Germany are experiencing under that country's restrictive abortion law. The article describes situations where women returning to Germany after having legal abortions in neighboring countries have been forced by border guards to submit to physical examinations to determine whether they had an abortion. West German women who have abortions face up to a year in jail, whether they have the procedure performed in Germany or in another country, according to the Post article. A border police spokesman is also quoted in the article as saying that "if we have certain suspicions, we are bound by law to pursue them."

Mr. President, last year we learned of similar activities taking place in Ceausescu's Romania where most abor-

tions were outlawed. At the hearing held on March 27, 1990, in the Senate Labor and Human Resources Committee, on legislation which I and a bipartisan group of Senators have introduced, the Freedom of Choice Act, Gabriella Bocec, a Romanian nurse testified about the way that the Ceausescu regime enforced its antiabortion policy. Romanian women, like West German women, were subjected to forced examinations to determine whether they were pregnant or whether they had had an abortion. Ms. Bocec testitifed, "If you are going to have such a law—antiabortion—you have to enforce it. In Romania, we realized this by periodic examinations done by doctors sent to factories * * *."

Some of those opposed to freedom of choice have claimed that antiabortion laws which would arise should Roe versus Wade be overturned would not be aimed at putting women in jail, but rather would be focused upon health professionals who provide outlawed abortion services. The lessons of West Germany and Romania suggest precisely the opposite outcome is possible. As the officials of those countries have articulated, if you are going to have a policy against abortion, you need to enforce it. I hope that the day will never come when women in this country are forced to cross State lines to obtain legal abortions, only to find border police awaiting them on their return to subject them to forced physical examinations. The best way to avoid such an outcome is to make sure that the right to freedom of choice remains alive throughout this country.

I ask that the article describing the West German situation from the March 7, 1991, issue of the Washington Post be printed in the RECORD.

The article is as follows:

GERMANY'S ABORTION ORDEAL: IN WEST, SUSPECTS FACE FORCED MEDICAL EXAMS

(By Marc Fisher)

BONN.—Driving with her husband from Holland back home to Germany a few weeks ago, the woman now known to all Germany as Kathrin K. was stopped by border police.

First, they searched the car for drugs. They didn't find any.

What they found instead—a plastic bag containing a nightgown, towels and sanitary napkins—convinced them nonetheless that she had committed a crime. Accusing her of having left the country to undergo an abortion—she denied it—they took her to a nearby hospital, where she was forced to have a vaginal examination.

Formally charged, Kathrin went on television this week to admit her abortion but decry the ordeal she had suffered. Her story became a sensation, intensifying the bitter division in Germany over abortion—a division so deep that abortion is legal in the country's east but not in the west.

For residents of the west, abortion is a crime even if it is performed outside the country.

Leaders of virtually every political party and citizens group in Germany, whatever their stands on abortion, seem in agreement that what happened to Kathrin K. is an outrage.

The Dutch Justice Ministry, spurred on by parliamentarians who say the German practice violates European Community guarantees of freedom of movement, today asked Germany to explain what its police have been doing.

German officials say the policy of compelling physical exams in cases of suspected abortions is rarely used; the Bonn Interior Ministry issued a statement saying that "in the last 10 years, there have been about 10 cases."

But abortion rights activists and their opponents alike say even one forced examination is too many. "The Interior Ministry's denial can only be understood as a confirmation of this criminal practice," said Heide Ruehle of the environment-oriented Greens party.

Among the thousands of legal and social issues that had to be resolved when the two Germanys merged last fall, only a handful were considered so hot that the two countries agreed to postpone any decision, and abortion was the most divisive of the bunch.

The two approaches to the problem have brought the debate in Germany to a powerful boil. The country has committed itself to finding a common solution by the end of next year.

"It was so degrading," Kathrin told a television interviewer. The 22-year-old from southern Germany was eight weeks pregnant when she went with her husband to a clinic in Holland, less than an hour from the German border, to avoid the "bureaucratic war" that faces German women seeking to end a pregnancy.

Western German women who have abortions face up to a year in jail, whether they have the procedure done at home or in another country. Women in western Germany may have abortions legally only if a panel of doctors decides it is medically or socially necessary—a process that varies enormously in its strictness, depending largely on whether the woman lives in the conservative Catholic south or in the more liberal Protestant north.

In the former East Germany, abortion remains completely legal, without questions from the government.

Kathrin had already had one child after a difficult pregnancy. "I didn't want another so quickly," she said. So she went to Holland, where the procedure was done on an outpatient basis for $300. Then she and her husband started the drive home.

At the border at Gronau, police pulled them over. When they found the bag and accused Kathrin, she said she had her period. But police took her to the prosecutor's office and then to a hospital, where, according to German press reports, one physician refused to conduct the examination. A second doctor agreed to do it.

In another forced examination case, police said they found a bill from an abortion clinic in a car being searched at the border. And in a third case, police said they sought the medical examination after a woman suffering bleeding after an abortion asked them for help.

"If we have certain suspicious, we are bound by law to pursue them," border police spokesman Walter Musholt told the newsmagazine Der Spiegel.

Several women have been brought to trial for having illegal abortions recently, and some doctors who have approved abortions say they no longer keep records of those cases out of fear that police might seek to confiscate them.

Gerhard Ettinger, a public health physician, told the Bild am Sonntag newspaper that police use at least three hospitals for forced examinations of women returning from Amsterdam who are suspected of having had an abortion.

"We want to protect the unborn," said former German interior minister Gerhart Daum of the Free Democrats, the junior partner in Chancellor Helmut Kohl's center-right government. "But to hunt on the border for women who've had abortions is pure persecution. The border police should have something more useful to do."

Across party lines, many politicians are calling for an amnesty for women who have had abortions. And Minister for Women and Youth Angela Merkel, one of three former East Germans whom Kohl gave a place in his new cabinet, said the forced exams "show that we need new laws. In emergency situations, help, not punishment, is appropriate."

But Merkel, a 36-year-old physicist who was an early leader of the 1989 East German revolution, has adopted the strict antiabortion position of Kohl's Christian Democratic Union. She argues that abortion should not be permitted to become the routine method of birth control that it was in communist East Germany, and also should be a crime punishable by imprisonment, as it is in the western part of the country.

"My goal is to clearly reduce the number of abortions," Merkel told reporters. "We have seen that this will not be achieved by [just] threatening punishment. Society has a duty to make it easier for women to say yes to childbearing. There is no black or white in this question."

Merkel rejects a proposal from liberal legislators to make first-trimester abortions legal, preferring government-required counseling for women who seek abortions.

"Germany is simply split," said Christa Meves, a psychotherapist who has written extensively on family issues. "There is no majority anymore for the conservative position and the law will eventually be weakened."

But that doesn't help Kathrin K. with the humiliation she carries with her from her border encounter, or with the irony of her experience. Kathrin is a relative newcomer to western Germany and its restrictive law. She moved from East Germany in 1988, when the trip was still an adventure beyond the Iron Curtain. Now that Germany is one again, she could have simply gone home to Jena, where her abortion would have been legal.●

Mr. FORD. Mr. President, I understand that all of the requests I am about to present to the Chair have been cleared by the Republican side of the aisle.

THE VETERANS EDUCATION, EMPLOYMENT, AND TRAINING AMENDMENTS OF 1991

Mr. FORD. Mr. President, I ask unanimous consent that the Veterans Committee be discharged from further consideration of H.R. 180, regarding veterans' education and employment programs, and that the Senate then proceed to its immediate consideration; that the bill be deemed read a third time and passed; and that the motion to reconsider be laid upon the table.

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

So the bill (H.R. 180) was deemed read a third time and passed.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am very pleased that the Senate has taken final action on this bill, H.R. 180, which contains a number of provisions, carried over from the 101st Congress, to improve and, in some cases extend, various education, employment, and training programs administered by the Departments of Veterans Affairs and Labor. This measure represents a compromise between various provisions in S. 2100 as reported by our committee on July 19, 1990, H.R. 4088 as passed by the House on June 12, 1990, and H.R. 4087 and H.R. 4089 as passed by the House on July 10, 1990.

Mr. President, prior to the end of the last Congress, I made great efforts to have the Senate consider S. 2100, the proposed Veterans Benefits and Health Care Amendments of 1990, an omnibus veterans bill which contained a number of provisions related to veterans' education and employment programs. Unfortunately, as my colleagues are aware, objection was raised to agent orange and certain other provisions of that bill. Because of those objections, Senate consideration of S. 2100 was precluded.

Mr. President, the House passed H.R. 180, the compromise measure, by a unanimous vote on February 5, and the Senate, I am hopeful, will do the same today. These provisions, I believe, will make significant improvements in veterans' programs. Because the provisions of this measure are described in detail in an explanatory statement—developed jointly by the House and Senate Veterans' Affairs Committee—which I will ask to be printed in the RECORD at the conclusion of my remarks, I will not go into further detail at this point except to make particular mention of three of them.

EXTENSION OF DISABLED VETERANS' OUTREACH PROGRAM FUNDING FORMULA

Section 1 of the pending measure would extend through 1992 the inclusion of Vietnam-era veterans in the statutory formula for determining the number of disabled veterans' outreach program specialists, known as "DVOP's," required to be funded by the Federal Government.

The DVOP program was established to provide intensive employment and training services to service-disabled veterans and other veterans in need of job search and placement assistance. DVOP's also provide other related employment, counseling, and rehabilitation services and are integral to the success of the veterans' employment programs.

Under section 2003A of title 38, United States Code, the Secretary of Labor is required annually to make available for use in each State sufficient funds to support the appointment of one DVOP for every 5,300 veterans of the Vietnam era and disabled veterans residing in the State. However, under current section 2011(2), Vietnam-era veterans will not be counted for purposes of this formula after December 31, 1991. Unless funding for DVOP's is maintained in accordance with the current statutory formula, the DVOP allocation for fiscal years 1992 and beyond could be drastically reduced.

Mr. President, Federal support of DVOP's is critical to the Federal Government's effort to ensure that those whose service has kept our Nation free and strong are provided every opportunity to participate in the economic system that their sacrifices have preserved. We must also be ready to meet the demand for employment and training services from Persian Gulf war veterans when they return.

EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING

Section 7 of H.R. 180 would extend flight training benefits to participants in the Post-Vietnam Era Veterans' Educational Assistance Program [VEAP] who fulfill the same eligibility and other requirements as are applied to Montgomery GI bill [MGIB] participants.

Mr. President, in 1989 I supported a provision, enacted in Public Law 101-237, which authorized the use of MGIB benefits for the pursuit of flight training. Because I also believe that veterans receiving VEAP benefits deserve an equal chance to use their VA educational assistance benefits to help them compete for the thousands of professional pilot positions that will be opening in the coming decade, I cosponsored S. 2537, a bill introduced by my good friend from South Dakota, Mr. DASCHLE, on April 27, 1990, which would authorize flight training pursuit for VEAP participants. This provision was included in S. 2100 as reported by our committee, and I am pleased that the pending legislation today contains a flight-training provision derived from S. 2100.

EXTENSION AND EXPANSION OF THE VETERANS' READJUSTMENT APPOINTMENT (VRA) AUTHORITY

The VRA authority was established by executive order in 1970 and first codified in legislation in 1973. It was created—as its name implies—to assist certain veterans and disabled veterans of the Vietnam era in their readjustment to postservice employment by making it possible for them to be hired noncompetitively into the Federal Civil Service and to develop additional skills through a program combining education and training with the opportunity for a regular career appointment. Following the end of the Vietnam era in 1975, Congress on five occasions—in 1978, 1981, 1984, 1986, and 1989—extended the program for Vietnam-era veterans in light of the ongoing readjustment needs of those veterans in the years following the end of that conflict.

The most recent extension of the VRA authority, enacted as section 407 of Public Law 101-237 on December 18, 1989, provided for an extension of eligibility for Vietnam-era veterans who either have service-connected disabilities or served in the Vietnam theater, but not for Vietnam-era veterans generally. This limited extension reflected the prevailing view that the general objective underlying the creation of the VRA in 1970—helping Vietnam-era veterans readjust to postwar life—no longer justified an across-the-board extension for such veterans nearly 15 years after the close of the Vietnam-era.

Section 9 of H.R. 180, which is derived from H.R. 4088 with changes agreed to by the two committees, would amend the VRA law to: First, eliminate the December 31, 1993, termination date and thus make the authority permanent; second, remove the 16-year education-level restriction for eligible veterans who have no service-connected disabilities; third, require that preference be given in VRA's to service-disabled veterans; fourth, increase to GS-11 the highest general schedule grade level position to which eligible veterans may be appointed with a VRA; fifth, limit the period during which a particular appointment may be made to: First, the end of the 10-year period following separation from active duty, or December 31, 1993, whichever is later, for a Vietnam-era veteran, and, second, the end of the 10-year period following separation or December 18, 1989, whichever is later, for a post-Vietnam-era veteran; sixth, provide that a veteran with a service-connected disability rated at 30 percent or more would be eligible for a VRA appointment without any time limitation; and seventh, replace the current 2-year waiting period for conversion to competitive status with a provision specifying that any veteran receiving a VRA would acquire competitive status upon successful completion of any prescribed probationary period established by the employing agency.

Mr. President, this legislation reflects a continuing commitment to assisting certain veterans to readjust to civilian life, as well as a recognition that veterans' needs change over time.

CONCLUSION

Mr. President, in closing, I express my deep appreciation to the distinguished chairman and ranking minority members of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, as well as the former ranking minority member of the Senate Committee, Mr. MURKOWSKI, and the current ranking minority member, Mr. SPECTER, for their cooperation on and contributions to this measure.

Mr. President, it has been a pleasure to work with all the members of the

Senate Committee in the development of this legislation. I also note the efforts of, and express my deep gratitude to, the committee staff members who have worked on this legislation: on the minority staff, Todd Mullins and Chris Yoder, who recently left the committee staff; and, on the majority staff, Shannon Phillips, Chuck Lee, Bill Brew, and Ed Scott.

I also note the fine work, as always, of the staff of the House Committee on Veterans' Affairs: Jill Cochran, Kingston Smith, Pat Ryan, and Mack Fleming.

• Mr. THURMOND. Mr. President, I rise today in support of H.R. 180, the Veterans Education, Employment, and Training Amendments of 1991. The legislation represents a reasonable compromise and I am pleased that it is before the Senate today.

This measure includes the following provisions which will provide veterans more access to counseling, training, and placement services: First, extends the definition of Vietnam-era veterans through December 31, 1994, which will give the Vietnam veteran an additional 3 years to take advantage of education and employment benefits; second, authorizes up to $5 million for readjustment counseling; third, eliminates the 1993 termination date for the Veterans Readjustment Appointment authority and makes it permanent; fourth, provides that the GI bill may be used for commercial flight training; and fifth, extends the 10-year eligibility period for Veterans Education Assistance Program by 1 year.

Mr. President, this legislation is necessary to strengthen the existing veterans education and employment programs. It is through these vital programs that our veterans are able to become more productive citizens and make the transition from military service to civilian life.

I urge my colleagues to support this important measure.•

Mr. SIMPSON. Mr. President, I wish to note my concerns with one particular provision of H.R. 180. While the bill does address some veterans' education and employment matters which should be cleared up, it also contains one provision which is entirely unnecessary and insupportable.

That provision is the extension of a pilot program of flight training eligibility to Post-Vietnam Era Veterans' Educational Assistance [VEAP] participants.

PROGRAM

Under the existing pilot program, Montgomery GI bill participants are able to use their educational benefits to receive dual instruction flight training. H.R. 180 would expand that pilot program to enable participants in the Post-Vietnam Era Veterans' Educational Assistance Program [VEAP] to use those benefits for flight training.

There is no justification for even the pilot program, and certainly no justification for extending it even further.

Flight training was eliminated at the end of the 1970's when it became obvious that the program was subject to widespread abuse. The General Accounting Office [GAO] issued a report in 1979 that recommended elimination of GI bill benefits for flight and correspondence training.

The report found that:

Hundreds of millions of dollars in VA educational assistance has been paid to veterans enrolled in flight training programs since the current GI bill was amended in 1967 to include such training. However, GAO's review of a random sample of veterans who completed their flight training from 1972 through 1976 disclosed that only about 16 percent had full-time jobs directly related to this training.

The report also found that the number of veterans who had received flight training under the GI bill exceeded the number of pilot jobs expected to be available.

It has been Congressional policy that those receiving educational benefits designed to lead to vocational objectives should be enrolled in courses that adequately prepare the trainee for employment in the specific vocational area. In other words, those seeking flight training should be doing so in order to become commercial pilots.

Generally, VA-funded vocational-technical courses must meet a 50-percent job placement requirement. Obviously, the 16-percent job placement figure reached by those who used GI bill benefits for flight training did not come anywhere near that 50-percent threshold.

In spite of the record of past abuses, and over the objections of the Department of Veterans Affairs, Congress in 1989 approved a 4-year pilot program, authorizing Montgomery GI bill participants to use their benefits for dual instruction flight training.

H.R. 180 would now extend a pilot program which has barely begun.

The Department of Veterans Affairs testified against this provision when hearings were held last year. The reasoning set out in that testimony is persuasive, and I would like to read a portion of the testimony of Deputy Chief Benefits Director Ray Avent into the RECORD at this point:

Consistent with our long-standing objections to inclusion of flight training under our ongoing education benefit programs, VA is opposed to the addition of vocational flight training under chapter 32. As we have on many occasions advised the Congress, our objection is based on our administrative experience and the well-documented history of the flight training program under the Vietnam-era GI bill (chapter 34) which reflected that the training did not lead to jobs for the majority of trainees and the courses tended to serve avocational, recreational, and/or personal enrichment goals rather than basic employment objectives.

We believe that Congress clearly was mindful of such history when it enacted section 422 of Public Law 101-237, authorizing flight training assistance under the MGIB as a 4-year test program, with somewhat more restrictive provisions than under the predecessor Chapter 34 GI Bill Program. We think it imprudent and premature to abandon this commendably cautious legislative approach by introducing flight training into the chapter 32 program * * *.

In addition, vocational flight training plainly is expensive. Obtaining a commercial pilots license would cost more than the total entitlement for an individual who contributed to chapter 32 and is entitled to matching funds (twice the participant's contributions). A veteran's total entitlement would be exhausted before he or she had sufficient time to complete just that one phase of training. This would result in a substantial number of veterans not realizing their employment objectives.

Mr. President, it should be amply clear that this provision is unnecessary and unwise. The pilot program is barely under way, giving the VA 4 years to document how well or how poorly the program works whether it is still subject to the same or similar abuses. We are making a grave mistake to expand a program which has been subject to such abuse in the past before we have had the opportunity to judge how well the pilot program will work.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the digest of the Comptroller General's 1979 report on the Flight Training Program.

I shall not make any effort to impede the progress of this bill, for it does contain some provisions worthy of support. I did however, want to be certain that my objections to the flight training provisions were noted for the RECORD.

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

[Comptroller General's Report to the Senate Committee on Veterans' Affairs]

GI BILL BENEFITS FOR FLIGHT AND CORRESPONDENCE TRAINING SHOULD BE DISCONTINUED

DIGEST

The Chairman, Senate Committee on Veterans' Affairs, asked GAO to survey a representative sample of GI bill trainees who had completed flight training or correspondence courses within the last 5 years to determine whether their full-time occupations were related to the training they had received.

The request was prompted by proposed legislation submitted by the Veterans Administration (VA) to the Congress to terminate GI bill benefits for flight and correspondence training programs. VA believes that, because these two programs have not achieved their intended purpose—they did not lead to continuing substantial employment for most trainees—and because of the potential for abuse within the programs, they should be terminated. (See ch. 1.)

Hundreds of millions of dollars in VA educational assistance has been paid to veterans enrolled in flight training programs since the current GI bill was amended in 1967 to include such training. However, GAO's review

of a random sample of veterans who completed their flight training from 1972 through 1976 disclosed that only about 16 percent had full-time jobs directly related to this training. This is based on occupational data on 1977 Federal income tax returns (the latest year accessible at the time of GAO's fieldwork) and Federal Aviation Administration records as of June 1979.

In addition, the number of veterans who have already received flight training under the GI bill substantially exceeds the number of pilot jobs presently available through 1985. (See ch. 2.)

VA has also paid hundreds of millions of dollars for correspondence training for veterans since the current GI bill was enacted in 1966. However, GAO's review of a random sample of veterans who completed six selected correspondence courses from 1972 through 1976 showed that only about 34 percent had full-time jobs directly related to the training, based on occupational data on 1977 Federal income tax returns. In addition, the overall completion rate for correspondence courses is less than 50 percent. (See ch. 3.)

Congressional concern that vocational objective courses may not always be of adequate quality and intensity to prepare the trainee for employment in the chosen occupation led to the establishment of a 50-percent job placement requirement for VA-funded vocational/technical courses. Employment survey reports submitted to VA by vocational/technical schools indicate that in general over 50 percent of flight and correspondence course completers obtain training-related employment.

However, these employment survey reports do not show whether most veterans obtained training-related employment or to what extent such employment represents the veteran's primary vocational pursuit and major source of occupational income. This is because (1) the reports cover all students, and most students do not appear to be veterans, (2) related employment is not limited to full-time jobs, and (3) only a small percentage of students beginning correspondence courses are actually included in the computation of the employment rate, primarily because of low completion rates. (See ch. 4.)

In summary, GAO's review supported with VA's assertions that flight and correspondence training programs have not achieved their intended purpose of providing continuing substantial employment for most trainees.

RECOMMENDATIONS TO THE CONGRESS

The Congress should adopt VA's legislative proposal to terminate GI bill benefits for flight and correspondence training. However, if these programs are not eliminated, other legislative action should be taken to modify and clarify the 50-percent job placement rule to

include a minimum acceptable completion rate for vocational objective courses,

require that 50 percent of the veterans and other eligible persons who complete vocational objective courses obtain employment in the occupational category for which training was received, and

require that such employment constitute the veteran's primary vocational pursuit and major source of occupational income. (See ch. 5.)

(VA officials responsible for these programs reviewed this report and generally concurred with it.)

SUPPLEMENTAL AUTHORIZATION FOR THE DOD

Mr. FORD. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed at any time to the consideration of Calendar No. 28, S. 578, a supplemental authorization for the Department of Defense for Operation Desert Storm, notwithstanding the provisions of rule XXII.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 14 and Calendar No. 15.

I ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Edson G. Case, of Maryland, to be a member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 1995. (Reappointment.)

SELECTIVE SERVICE SYSTEM

Robert William Gambino, of Virginia, to be Director of Selective Service.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEFENSE PRODUCTION ACT AUTHORIZATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideraton of H.R. 991, the Defense Production Act authorization bill received today from the House; that all after the enacting clause be stricken and that the text of S. 468, as passed by the Senate on February 21, be inserted in lieu thereof; that the bill be deemed read three times, passed, and a motion to reconsider be laid upon the table.

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

So the bill (H.R. 991), as amended, was deemed read a third time and passed.

EDUCATION DAY USA

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 104, a joint resolution to designate March 26, 1991, as "Education Day, USA" just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 104) to designate March 26, 1991, as "Education Day, U.S.A."

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. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 104) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. FORD. 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.

DESIGNATING JUNE 14, 1991, AND JUNE 14, 1992, AS "BALTIC FREEDOM DAY"

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 167, a joint resolution to designate June 14, 1991, and June 14, 1992, as "Baltic Freedom Day" just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 167) designating June 14, 1991, and June 14, 1992, each as "Baltic Freedom Day."

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. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 167) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. FORD. 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.

NATIONAL SCHOOL BREAKFAST WEEK

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 98, a joint resolution to designate March 4, through March 10, 1991, as "National School Breakfast Week," just received from the House.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 98) designating March 4 through 10, 1991, as "National School Breakfast Week."

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. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 98) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

VOTE ON SENATE RESOLUTION 76

Mr. FORD. Mr. President, I ask unanimous consent that the vote on adoption of Senator SPECTER'S resolution, Senate Resolution 76 occur without any intervening action or debate immediately following the next rollcall vote.

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

ORDERS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate, when it completes its business today, stand in recess until 10 a.m. on Friday next, March 8; that on Friday, the Senate meet in 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 12; that on Tuesday, 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 up to 5 minutes each.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Mr. President, if there be 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 8, 1991.

There being no objection, the Senate, at 6:05 p.m., recessed until Friday, March 8, 1991, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 7, 1991:

PEACE CORPS NATIONAL ADVISORY COUNCIL

TOM G. KESSINGER, OF PENNSYLVANIA, TO BE A MEMBER OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL FOR A TERM EXPIRING OCTOBER 6, 1991, VICE ROBERT W. HAZLETT.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PETER DECOURNCY HERO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 1994, VICE KEVIN ROCHE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

To be general

To be Vice Chief of Staff, U.S. Air Force

LT. GEN. MICHAEL P.C. CARNS, [redacted] U.S. AIR FORCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 1991:

DEPARTMENT OF AGRICULTURE

EDWARD R. MADIGAN, OF ILLINOIS, TO BE SECRETARY OF AGRICULTURE.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

EDSON G. CASE, OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 1995.

SELECTIVE SERVICE SYSTEM

ROBERT WILLIAM GAMBINO, OF VIRGINIA, TO BE DIRECTOR OF SELECTIVE SERVICE.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.